

SECOND NOTICE OF PROPOSED AMENDMENT

- 1) Agency: Department on Aging
- 2) Title and Ill. Adm. Code Citation of Proposed Rulemaking: Community Care Program, 89 Ill. Adm. Code 240.1530
- 3) Date, Issue, and page number of the Illinois Register in which the First Notice was published: July 19, 2013, 37 Ill. Reg. 10738
- 4) Text and Location of any Changes Made to the Proposed Rulemaking During the First Notice Period:

Table of Contents: In Line 260, replaced “Homemaker” with “In-home” so the heading for Section 240.2050 will correspond correctly with the text.

Section 240.1530(f)(1): In Line 376, added “,” after “(EVV)”. In Line 377, added “,” after “technology”. In Line 378, added “and verifying the” before “work schedules” and added “and the work performed by” before “all”.

Section 240.1530(f)(2): In Line 380, added “for Functional Capacity, Billing Integration and Data Sharing, Data Storage and Security, Electronic Reporting Interface, and Disaster Recovery” after “the Department’s EVV Standards” to describe the contents of this operations policy which is posted on the Department’s website for in-home service providers under the Community Care Program at the request of the Joint Committee on Administrative Rules. In Line 385, replace “client” with “participant”.

Section 240.1530(g): In Line 402, replace “clients” with “participants”.

Section 240.1530(i): In Lines 418, 419, and 423, delete “applicants/”. In Line 427, replace “an applicant/” with “a”.

All other changes made to this rulemaking were technical formatting, grammatical and editorial revisions at the recommendation of the Joint Committee on Administrative Rules.

- 5) Final Regulatory Flexibility Analysis:
 - A. Summary of the issues raised by affected small businesses during the First Notice Period: None
 - B. Description of actions taken on any alternatives to the proposed rule suggested by small businesses during the First Notice Period, including reasons for rejecting alternatives not utilized: None

- 6) Analysis of the Economic and Budgetary Effects of the Proposed Rulemaking:
See attachment.
- 7) Response to Recommendations Made by the Administrative Code Division for Changes in the Rule to Make It Comply With the Codification Scheme: All changes requested by the Administrative Code Division have been made.
- 8) Evaluation of the comments received by the agency from interested persons during the First Notice Period (but not including any questions raised by the Joint Committee in a preliminary review) including:
 - A. Date of any public hearing held during the First Notice Period. Name of the person or group requesting a hearing: None
 - B. The names and addresses of all individuals or groups making comments or requesting the opportunity to make comments: None
 - C. A list of all specific criticisms and suggestions raised in the comments:
Not applicable
 - D. The agency's evaluation of each of the specific criticisms and suggestions:
Not applicable
 - E. A statement that the agency has considered all comments received during the First Notice Period: Not applicable
- 9) An analysis of the expected effects of the proposed rulemaking, including:
 - A. Impact on the public: Use of electronic visit verification systems by in-home service providers will help improve monitoring of service delivery and minimize billing errors and the risk of fraud under Community Care Program.
 - B. Changes in the agency's programs or structure resulting from implementation of the rulemaking: The Department has developed notification letters about the use of electronic visit verification systems for participants and homecare aides and distributed an operations policy and new forms for in-home service provider agencies to certify implementation status and document ongoing use for compliance purposes under the Community Care Program.
 - C. Impact of proposed rule on small businesses. Methods used by Agency to comply with 5 ILCS 100/5-30, including reasons for rejecting any methods not utilized: None

- 10) A justification and rationale for the proposed rulemaking, including:
 - A. Any changes in statutory language requiring the proposed rulemaking: Public Act 97-689, Save Medicaid Access and Resources Together (SMART) Act
 - B. Any changes in agency policy, procedures, or structure requiring the proposed rulemaking: None
 - C. Relationship to other rulemaking activities of the agency including anticipated rulemaking activities: None
 - D. Relationship to any relevant federal rules, regulations, or funding requirements: None
 - E. Court orders or rulings which related to the rulemaking: None
- 11) Does this rulemaking include an incorporation by reference pursuant to Section 5-75 of the Illinois Administrative Procedure Act? No

Agency Personnel Who Will Respond to Joint Committee Questions Regarding the Proposed Rulemaking:

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