

ILLINOIS REGISTER

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

OBJECTION, RECOMMENDATION AND SUSPENSION OF EMERGENCY RULES

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

Heading of the Part: Medical Assistance Programs

Code Citation: 89 Ill. Adm. Code 120

Section Numbers: 120.32 120.33

At its meeting on 11/13/07, the Joint Committee on Administrative Rules voted to object to and suspend the Department of Healthcare and Family Services' emergency rule titled Medical Assistance Programs (89 Ill. Adm. Code 120), which became effective 11/7/07, because, contrary to Section 5-45 of the Illinois Administrative Procedure Act, no emergency situation existed that warranted adoption of this entire emergency rule. The agency is maintaining that the loss of the federal SCHIP waiver warrants the adoption of an emergency rule to continue coverage of adults served under that waiver. However, this emergency rule is not limited to that issue. It contains other provisions that this Committee does not recognize as an emergency situation. JCAR recommends that the Department adopt a rule that addresses the loss of the SCHIP waiver. The Committee finds that inclusion of policy within this emergency rule that does not address a valid emergency is not in the public interest.

Under Section 5-125(b) of the Illinois Administrative Procedure Act, the suspended emergency rule may not be enforced by the Department of Healthcare and Family Services for any reason, nor may the Department file with the Secretary of State any rule having substantially the same purpose and effect as the suspended rule for at least 180 days following receipt of this certification and statement by the Secretary of State.