

# THE FLINN REPORT

ILLINOIS GENERAL ASSEMBLY  
JOINT COMMITTEE ON ADMINISTRATIVE RULES

Elaine Spencer, Editor

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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

### • MANDATED REPORTER TRAINING

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES proposed amendments to Licensing Standards for Child Welfare Agencies (89 IAC 401; 48 Ill Reg 16656), Licensing Standards for Group Homes (89 IAC 403; 48 Ill Reg 16666), Licensing Standards for Child Care Institutions and Maternity Centers (89 IAC 404; 48 Ill Reg 16671), Licensing Standards for Day Care Homes (89 IAC 406; 48 Ill Reg 16676), Licensing Standards for Group Day Care Homes (89 IAC 408; 48 Ill Reg 16689), Licensing Standards for Youth Transitional Living Programs (89 IAC 409; 48 Ill Reg 16702), Licensing Standards for Youth Emergency Shelters (89 IAC 410; 48 Ill Reg 16709) and Licensing Standards for Secure Child Care Facilities (89 IAC 411; 48 Ill Reg 16716), implementing Public Acts 101-564 and 102-604. These rulemakings implement amendments to the Abused and Neglected Child Reporting Act (ANCRA) that require

training for mandated reporters of child abuse and neglect to include a section on implicit bias. (ANCRA requires implicit bias training to address "attitudes or internalized stereotypes that affect people's perceptions, actions, and decisions in an unconscious manner and often contribute to unequal treatment of

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**Due to the Thanksgiving holiday,  
next week's Flinn Report will be  
published Monday, Dec. 2**

people based on race, ethnicity, gender identity, sexual orientation, age, disability, and other characteristics".) These rulemakings require implicit bias training to be completed within 3 months after an individual's initial licensure and every 3 years thereafter, and proof of completion to be kept in the individual's personnel record. Those

affected by these rulemakings include day care providers, child welfare agency caseworkers, group home staff, and staff of DCFS-licensed youth programs and facilities.

### DCFS YOUTH IN CARE

DCFS also proposed amendments to the Parts titled Services Delivered by the Department of Children and Family Services (89 IAC 302; 48 Ill Reg 16617) and Authorized Child Care Payments (89 IAC 359; 48 Ill Reg 16652) implementing Public Act 100-646, which requires DCFS to transition youth in its care from fee-for-service based Medical Assistance to Medicaid managed care plans. These rulemakings change existing references to "Medical Assistance provided through the Illinois Department of Public Aid" (now the Department of Healthcare and Family

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**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)

Services) to "the Illinois medical assistance program" and provide that youth enrolled in a managed care program will receive a managed care plan membership card in addition to their Medicaid card. The Part 359 rulemaking additionally specifies that health care providers for youth are to be selected from the youth's health plan provider network.

*Questions/requests for copies/comments on the 10 DCFS rulemakings through 1/6/25: Tamara Bristow, DCFS, 406 E. Monroe St., Station #65-D, Springfield IL 62701, 217-524-1983, [DCFS.Policy@illinois.gov](mailto:DCFS.Policy@illinois.gov)*

## • GAMING ADVERTISING

The ILLINOIS GAMING BOARD proposed amendments to Video Gaming (General) (11 IAC 1800; 48 Ill Reg 16724), Sports Wagering (11 IAC 1900; 48 Ill Reg 16738), and Riverboat and Casino Gambling (86 IAC 3000; 48 Ill Reg 16752) that align IGB's licensee advertising and marketing rules across all three Parts. Amendments to 11 IAC 1800 and 1900 cross reference casino gaming advertising and marketing rules that are being added to 86 IAC 3000 and apply them to video gaming and sports wagering licensees. They also require licensees to retain copies of any advertising and marketing materials and keep a log of where and when these materials were published, aired, displayed or distributed. The 86 IAC 3000 rulemaking states that every organization licensee or applicant is

responsible for the content and conduct of any and all advertising and marketing done on its behalf or to its benefit, whether by the licensee itself, an employee or agent of the licensee, an affiliated entity, or a contracted third party. Third party marketing agreements must not make the contracted party's compensation dependent upon the number, amount or outcome of wagers generated by such marketing. Advertising and marketing materials regulated under these rules include direct or electronic mail; telemarketing; print, broadcast, and social media; billboards or signage; internet advertising; and patron acquisition, referral or retention programs. Advertising and marketing materials must not contain any false, deceptive, or misleading statements or information; must not describe gaming or any gaming promotion as "free of risk"; and must not imply that increasing the frequency or amount of wagering increases the chances of winning, or that the licensee offers greater chances of winning in comparison to other licensees. All advertising and marketing materials must clearly state that gaming patrons must be 21 or older and must not directly advertise or promote gambling to persons under age 21. They must not contain any celebrity endorsements, logos, images, or language intended to appeal to persons under 21, cannot portray persons who are or appear to be under 21, and cannot be distributed, aired, or promoted before any audience that is predominantly underage, including at college or university campuses or sporting events. Finally, all advertising and marketing material must include language regarding help for problem gambling and any direct marketing

mail or e-mail campaign must allow recipients to opt out. Video gaming, sports wagering and casino gaming licensees and entities that provide advertising or marketing for them are affected by these rulemakings.

*Questions/requests for copies/comments on the 3 IGB rulemakings through 1/6/25: Daniel Gerber, IGB, 160 N. LaSalle St., Chicago IL 60601, 312-814-4700, fax 312-814-7253, [IGB.RuleComments@illinois.gov](mailto:IGB.RuleComments@illinois.gov)*

## STATE RETIREMENT

The STATE EMPLOYEES' RETIREMENT SYSTEM proposed an amendment to The Administration and Operation of the State Employees' Retirement System of Illinois (80 IAC 1540; 48 Ill Reg 16768) that codifies SERS' procedure for dividing a survivor's annuity benefit payment when there are multiple eligible survivors of a deceased Tier 1 member. (Procedures for dividing survivor's annuity benefits of Tier 2 members are already in rule.) If an eligible spouse and one child survive, the survivor's annuity will be split 50-50 between them. If an eligible spouse and 2 children survive, the spouse will receive 37.5% of the survivor's annuity and each child will receive 31.25%. Formulas for determining each person's share of the survivor's annuity when a spouse and 3 or more children survive are also included.

*Questions/requests for copies/comments through 1/6/25: Jeff Houch, SERS, 2101 S. Veterans Parkway, PO Box 19255, Springfield IL 62794-9255, 217-524-8105, fax 217-557-3943, [jeff.houch@srs.illinois.gov](mailto:jeff.houch@srs.illinois.gov)*

# Adopted Rules

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## HAZARDOUS WASTE

The POLLUTION CONTROL BOARD adopted amendments to the following 6 Parts effective 11/7/24: Hazardous Waste Management System: General (35 IAC 720; proposed at 48 Ill Reg 11559, adopted at 48 Ill Reg 16776), Identification and Listing of Hazardous Waste (35 IAC 721; proposed at 48 Ill Reg 11596, adopted at 48 Ill Reg 16813), Standards Applicable to Generators of Hazardous Waste (35 IAC 722; proposed at 48 Ill Reg 11776, adopted at 48 Ill Reg 16994),

Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 IAC 724; proposed at 48 Ill Reg 11839, adopted at 48 Ill Reg 17057), Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 IAC 725; proposed at 48 Ill Reg 11868, adopted at 48 Ill Reg 17086) and Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (35 IAC 726; proposed at 48

Ill Reg 11890, adopted at 48 Ill Reg 17108). These amendments implement and are "identical in substance" to hazardous waste regulations adopted by USEPA in the last 6 months of 2023.

*Questions/requests for copies of the 6 PCB rulemakings: Don A. Brown, PCB, 60 E. Van Buren St., Suite 630, Chicago IL 60605, 312-814-3461, [don.brown@illinois.gov](mailto:don.brown@illinois.gov). Please reference Docket R24-12.*

# Second Notices

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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](mailto:jcar@ilga.gov).

### BOARD OF EXAMINERS

Certificate of Education and Examination Requirements (23 IAC 1400; 48 Ill Reg 11381) proposed 8/9/24

### IL COMMERCE COMMISSION

Household Goods Carriers (92 IAC 1457; 48 Ill Reg 12972) proposed 9/6/24

### IL EMERGENCY MGMT AGENCY AND OFFICE OF HOMELAND SECURITY

Registration and Operator Requirements for Radiation Installations (32 IAC 320; 48 Ill Reg 14073) proposed 9/27/24

### IL GAMING BOARD

Video Gaming (General) (11 IAC 1800; 48 Ill Reg 10972) proposed 8/2/24

### DEPT OF PUBLIC HEALTH

Skilled Nursing and Intermediate Care Facilities Code (77 IAC 300; 48 Ill Reg 13916) proposed 9/20/24

Sheltered Care Facilities Code (77 IAC 330; 48 Ill Reg 13948) proposed 9/20/24

### DEPT OF REVENUE

Income Tax (86 IAC 100; 48 Ill Reg 13299) proposed 9/6/24

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

Room C-600, Bilandic Bldg., 160 N. LaSalle, 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

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