

**2025
ANNUAL REPORT**

of the

**JOINT COMMITTEE ON
ADMINISTRATIVE RULES**

Submitted to the Members of the Illinois General Assembly

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Representative Ryan Spain, Co-Chair**

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REP. CURTIS J. TARVER, II
REP. DAVE VELLA

TO: Honorable Members of the 104th General Assembly

FROM: Bill Cunningham, Co-Chair
Ryan Spain, Co-Chair

DATE: January 30, 2026

RE: JCAR Annual Report

As Co-Chairs of the Joint Committee on Administrative Rules, we hereby submit the 2025 Annual Report of that Committee. An overview of the Committee's rules review activities can be found in the following pages.

The Joint Committee on Administrative Rules gratefully acknowledges your continued support and assistance. We encourage all members of the General Assembly to take an active role in this vital oversight function guaranteeing that the public right to know is protected through an open rulemaking process. We welcome your suggestions and comments on agency rules and the role of the Committee. Only as each elected representative becomes concerned and involved in the oversight process can the Committee ensure that the intent of the legislation the General Assembly passes is maintained.

JCAR Annual Report: 2025

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JCAR: Creation and Purpose

Creation

The Illinois General Assembly created the Joint Committee on Administrative Rules (JCAR) in 1977, delegating to it the legislative branch's responsibility of ensuring that the laws it enacts are appropriately implemented via administrative law. The specific duties and authorities of JCAR are outlined in the Illinois Administrative Procedure Act (IAPA) [5 ILCS 100]. The IAPA also governs the Illinois rulemaking process.

Responsibilities

The Committee's principal programs and activities include:

- *Review of General Rulemaking* to facilitate involvement by the affected public and to make the review process a timely and efficient one that assists State agencies in their goal of enacting the best administrative law possible.
- *Review of Emergency and Peremptory Rulemakings* to ensure that they are justifiable within the IAPA's limitations on these types of rulemakings. Emergency and peremptory rulemakings are not subject to the IAPA's public comment requirements and thus should be used with care.
- *Review of Existing Agency Rules and Policies* to determine if they have been properly promulgated, are unauthorized or unreasonable, or result in serious negative impact on the citizens of this State. These reviews can be undertaken upon JCAR's own initiative or in response to a complaint from the public (see 1 Ill. Adm. Code 260).
- *Public Act Review* to determine the necessity for new or amendatory rulemaking in response to legislative changes. JCAR analyzes recently enacted laws to determine whether they require rulemaking, contacts the agencies regarding these laws, and monitors agency activity to determine if appropriate action is taken.
- *Legislative Tracking* to determine if any proposed legislation might amend the IAPA. JCAR then brings to agencies' attention any resulting changes in rulemaking procedures. Legislation involving issues that have recently come before JCAR is also tracked.
- *Legislative Input* to follow its IAPA mandate to continually improve the rulemaking process. JCAR occasionally initiates legislation revising the IAPA. It also may propose legislation when rules review brings attention to a statutory insufficiency or lack of clarity or to enforce its Objections or Recommendations when an agency has refused to adhere to those Objections or Recommendations.
- *Public Information* to facilitate citizen involvement in the rulemaking process. JCAR provides information on rules and the rulemaking process to legislators and the public through several conduits.

First, JCAR publishes *The Flinn Report: Illinois Regulation* (www.ilga.gov/agencies/JCAR/Flinn), a weekly newsletter that summarizes State agency rulemaking activities. Many people find that the Flinn Report is an easier way to stay abreast of current rulemakings than monitoring the weekly *Illinois*

Register since it highlights the major issues and informs the reader where to find further information.

Second, JCAR has created and maintains the Illinois Administrative Code database, used in the publishing of the *Illinois Register* by the Secretary of State's Index Department. State agencies can request materials from the database for use in drafting amendatory rulemakings. The database is accessible on the General Assembly website (<http://www.ilga.gov/agencies/JCAR/AdminCode>). Although emergency rules are not incorporated into the text of the database, the website indicates that emergency rules have been adopted and provides a link to the specific *Illinois Register* issue with the text of that rule. When an agency moves a rulemaking from the First Notice (public comment) period to the Second Notice (JCAR review) period, JCAR engrosses any First Notice changes into the text of the rulemaking and posts this version on its website (<https://www.ilga.gov/agencies/JCAR/SecondNotice>). This is the version of the rulemaking that JCAR reviews.

Third, JCAR staff is always available to respond to inquiries from General Assembly members and the public. For more information, call 217-785-2254 or contact JCAR by e-mail at jcar@ilga.gov.

The Review Process

JCAR members meet at least monthly to consider an agenda that generally includes from 30 to 40 separate rulemakings by State agencies. In a year's time, JCAR will review approximately 20,000 pages of rule text. The IAPA requires that the Committee's analysis of rulemakings be based on concerns such as statutory authority, legislative intent, necessity of the regulation, economic impact on State government and the affected public, completeness and appropriateness of standards to be relied upon in the exercise of agency discretion, effect on local government through the creation of a mandate, adherence to IAPA rulemaking requirements, and technical adequacy.

JCAR's review of agency regulatory proposals is predominantly substantive. Its major concern is that statutory law is applied fairly and consistently, creating as little paperwork and economic burden for the affected public as possible and ensuring that each person is equal before the law. The Committee serves as the final avenue for input from the public before a rulemaking is formally adopted. Recommendations from the public are always welcome and are actively sought. The Committee recognizes that no one is as qualified to comment on the appropriateness and practicality of a proposed regulation as the individual whose activities or business practices will be affected by that regulation. Comment on any proposed or existing State regulation may be submitted to the Committee at 700 Stratton Building, Springfield IL 62706, or by calling 217-785-2254.

JCAR's perusal of agency rulemakings serves a technical purpose as well. The various rulemakings of the State agencies collectively comprise the Illinois Administrative Code. In giving a final technical review to each agency proposal, JCAR, along with the Secretary of State's Index Department, strives to achieve some degree of consistency among the individual agencies' portions of the Code and to make the Code as readable and understandable for the public as

possible. If you believe a specific portion of the Code is unreadable for the general public, please contact the agency that adopted the rule or contact JCAR directly.

Annual Report

This Report includes narratives of JCAR activity during 2025, as well as statistical summaries of the rulemaking activities of State agencies. The summary of legislation affecting JCAR reflects activity of the 1st year of the 104th GA. This Report also includes an historical overview of rulemaking and pertinent historical statistics.

JCAR Membership

The Joint Committee on Administrative Rules consists of 12 legislators appointed by the General Assembly leadership. Membership is equally apportioned between the 2 houses and between the 2 political parties. The 2 Co-Chairs are not members of the same house or the same party.

2025 MEMBERS

Senator Bill Cunningham, Co-Chair
Senator Cristina Castro
Senator Donald P. DeWitte
Senator Dale Fowler
Senator Napoleon Harris, III
Senator Sally J. Turner

Representative Ryan Spain, Co-Chair
Representative Eva-Dina Delgado
Representative Jackie Haas
Representative Steven Reick
Representative Curtis J. Tarver, II
Representative Dave Vella

FORMER & CURRENT MEMBERS

(* = Co-Chair, Chair or Vice Chair; **bold** = **current member**)

Note: Members ending their JCAR tenure after a January meeting are listed as having left at the end of the previous calendar year.

Pamela Althoff (2011-15)
Bill W. Balthis (1993-96)
Allen Bennett (1977)
*Arthur L. Berman (1979-85)
Bill Black (2001)
*Prescott E. Bloom (1977-85)
Glen L. Bower (1979-82)
Jack E. Bowers (1977-79, 81-82)
Woods Bowman (1983-85)
William "Bill" Brady (2015-17)
Peter Breen (2017-18)
J. Bradley Buryzynski (1995-2010)
Cristina Castro (2023-)
James F. Clayborne, Jr. (2004-08)
*John W. Countryman (1989-90)
Mary Lou Cowlshaw (1993-98)
Tom Cross (1999-2002)
*Maggie Crotty (2003-12)
John Cullerton (1982-85)
***Bill Cunningham (2020-)**
John Curran (2020-23)
Michael Curran (1985-86)
Barbara Flynn Currie (2006, 2018)
Richard M. Daley (1977-79)

Steve Davis (2001-03)
Eva-Dina Delgado (2023-)
Tom Demmer (2016-23)
Vince Demuzio (1981-85)
Donald P. DeWitte (2021-)
*Laura Kent Donahue (1983-93)
James H. Donnewald (1977-79)
Thomas Dunn (1989-93)
*Jim Edgar (1977-78)
Tom Ewing (1990-91)
Beverly Fawell (1991-99)
Monroe Flinn (1977-79, 1982-95)
Dale Fowler (2023-)
John Fritchey (2007-10)
Barbara Giolitto (1993-94)
James Gitz (1981-82)
Alan J. Greiman (1977-81)
Jackie Haas (2023-)
Kenneth Hall (1987-89)
Michael Halpin (2019-23)
*Don Harmon (2011-20, 22)
Greg Harris (2011-18)
Napoleon Harris, III (2024-)
Charles Hartke (1995-97)

*Brent Hassert (2003-08)
 Carl E. Hawkinson (1983-85)
 Larry Hicks (1986-94)
 Manny Hoffman (1991-93)
 Tom Holbrook (2003-07)
 Randall Hultgren (2007-10)
 Mattie Hunter (2009-10)
 Frances Hurley (2019-23)
 *Emil Jones, Jr. (1985-93)
 John O. Jones (2011-12)
 Jeremiah E. Joyce (1979-87)
 Douglas N. Kane (1979-81)
 Doris Karpel (1985-91, 2000-02)
 Richard Kelly, Jr. (1979-82)
 Bob Kustra (1981-85)
 Lou Lang (2007-18)
 *Thaddeus Lechowicz (1985-87)
 David Leitch (2003-08, 2013-16)
 Larry Leonard (1977-79)
 Ellis Levin (1983-93)
 Kimberly Lightford (2019-2023)
 Richard Luft (1983-85)
 Lisa Madigan (2000-02)
 John W. Maitland, Jr. (1981-85)
 Lynn Martin (1977-80)
 John M. Matejek (1977-79)
 Roger McAuliffe (1977-79)
 Thomas J. McCracken, Jr. (1986-91)
 Sam McGrew (1979)
 Larry McKeon (2003-06)
 A. T. "Tom" McMaster (1979-87)
 Jim Meyer (1999)
 David Miller (2003-10)
 Don Moffitt (2009-14)
 Rosemary Mulligan (2003-12)
 Antonio Munoz (2013-22)
 Matt Murphy (2015-16)
 Phil Novak (1995-2003)
 *Barack Obama (1999-2004)

Karen Hasara (1993-95)
 Bill O'Daniel (1987-2002)
 *Myron Olson (1983-89)
 Coy Pugh (1997-2000)
 Steve Rauschenberger (1993-2006)
 Jim Rea (1993-99)
 David J. Regner (1977-80)
Steven Reick (2019-)
 *Jim Reilly (1977-83)
 Sue Rezin (2013-14, 2018-24)
 Dale Righter (2011-14)
 Philip J. Rock (1977-79)
 Dan Rutherford (1997-2010)
 *Tom Ryder (1987-2001)
 *Ron Sandack (2015-16)
 George Sangmeister (1979-81)
 *Angelo "Skip" Saviano (2009-12)
 Frank Savickas (1979-81)
 Paul Schimpf (2018-21)
 *Tim Schmitz (2013-14)
 John Sharp (1977)
 Ira Silverstein (2003-18)
***Ryan Spain (2023-)**
 Todd Stroger (2001)
Curtis J. Tarver, II (2021-)
 *Art Tenhouse (2001-02)
 André Thapedi (2011-2021)
 *Donne Trotter (1993-99)
Sally J. Turner (2025-)
Dave Vella (2023-)
 *Sam Vinson (1985-86)
 Richard A. Walsh (1977-82)
 Chuck Weaver (2016-20)
 Larry Wennlund (1991-93)
 *Keith Wheeler (2016-23)
 Robert W. Winchester (1979-82)
 Kay Wojcik (1983-85)
 Harry "Babe" Woodyard (1986-93)
 Larry Woolard (1995-2000)
 *Harry "Bus" Yourell (1977-83)

Illinois Rulemaking Process

Illinois law exists in 4 basic forms:

- Constitutional law creates broad guidelines.
- Statutory law is enacted by the legislature and creates specific restrictions, authorities, and programs.
- Administrative law adds the detail often necessary to implement statutory law.
- Case law evolves to fill in the details left unresolved by the 3 previous categories of law.

In 1975, the Illinois General Assembly enacted the Illinois Administrative Procedure Act (IAPA) [5 ILCS 100] to create a procedure by which administrative agencies would exercise their legislature-delegated authority to implement administrative law through adopting agency regulations. In 1977, the IAPA was amended to add a process by which the General Assembly could oversee the exercise of this delegated authority through the Joint Committee on Administrative Rules (JCAR), a service agency of the General Assembly. Administrative agency rules are valid and enforceable only after they have been through the rulemaking process. Rules to interpret or implement provisions of a statute and should not extend or limit a statute's scope.

Types of Rulemakings

Proposed Rules. These can be new rules or amendatory rulemakings. Frequently this is referred to as "regular rulemaking" or "permanent rulemaking". A two-step (First Notice and Second Notice) process is followed, requiring 90 to 365 days. Aside from the two 45-day periods, First Notice and Second Notice, the agency controls the timing. Both the general public and the General Assembly, through JCAR, can have input before adoption.

Emergency Rules. Rules are effective immediately upon the agency filing them with the SOS or within 9 days after filing. These rules can be developed unilaterally by the agency; JCAR reviews after the rules are adopted. Unless an earlier expiration date is specified or statute allows a longer effective period, an emergency rule lasts 150 days or until the emergency rule is replaced by a permanent rulemaking. Emergency rulemaking can be used only if the agency finds a threat to the public interest, safety or welfare exists that the rulemaking will address.

Peremptory Rules. The IAPA provides for the immediate adoption of a rule required as a result of a collective bargaining agreement, court order, or federal law or regulation under conditions that preclude discretion by the agency concerning the rule's content. Peremptory rules are effective upon filing with the SOS or on the date required by the agreement, court order, or federal law or regulation. JCAR reviews these rules after their adoption.

Exempt or Identical in Substance Rules. The IAPA, the Environmental Protection Act, and the Illinois Emergency Management Act create a special process through which PCB and IEMA can adopt regulations that are identical in substance to federal regulations that the State is required to adopt and enforce. These rulemakings are reviewed by JCAR after adoption.

Required Rulemaking. These are rules that can be adopted unilaterally by the agency by filing with the SOS. Examples are organization charts, principal address, Freedom of Information Act information, hearing officer qualifications, etc. JCAR reviews required rules after their adoption.

The Process

Drafting of Rules. Administrative rules are drafted by State agencies; there is no central drafting bureau that does for rules what the Legislative Reference Bureau does for statutes. Public involvement in the initial drafting is at an agency's discretion. However, the IAPA encourages early public involvement and requires agencies to semiannually publish a Regulatory Agenda in the *Illinois Register* indicating, to the best of the agency's knowledge, the scope of the next 6 months of rulemaking activity. Regulatory Agendas are published in January and July of each year.

First Notice. The First Notice period starts when an agency's Notice of Rulemaking is published in the *Illinois Register*. First Notice lasts a minimum of 45 days and ends when the agency files with JCAR, starting the Second Notice period. The only limitation is that a rulemaking expires if it is not adopted within one year after the beginning of First Notice. The IAPA requires that the Department of Commerce and Economic Opportunity review each proposed rulemaking during First Notice to determine any possible impact on small businesses. The general public can submit comments on the proposed rulemaking to the agency. A public hearing may or may not be held during this period. The agency can volunteer to hold a hearing or must conduct one at the request of the Governor, JCAR, an association representing over 100 persons, 25 individuals, or a local government. Requests for a hearing must be filed within 14 days after publication of the First Notice. The agency can modify the rulemaking during First Notice by submitting a First Notice Changes document to JCAR when it files its Second Notice.

Second Notice. The Second Notice period commences upon the agency's filing of the Second Notice with JCAR and lasts for a maximum of 45 days unless JCAR and the agency agree to extend it for an additional 45 days. This period ends when JCAR takes action on the rulemaking and runs the full 45 (or 90) days only if JCAR takes no action. During the Second Notice Period, JCAR reviews the proposed rules for statutory authority, propriety, standards for the exercise of discretion, economic effects, clarity, procedural requirements, technical aspects, etc.

During the JCAR review, JCAR and the agency can agree to modifications in the rulemaking that are adopted through written JCAR Agreements. The Agreements are appended to the Certificate of No Objection issued by JCAR at its regular meeting and are still applicable if no Certificate is issued but the agency proceeds to adopt. If the agency does not choose to modify a rulemaking or if policy differences cannot be resolved during the review process, JCAR can take one of several actions.

JCAR Actions

Certificate of No Objection. If JCAR has no specific concerns about a rulemaking, it often issues a Certificate of No Objection. With this Certificate, the agency can adopt the rulemaking by

filing it with the Secretary of State regardless of whether the Second Notice period has officially expired. It is important to note, however, that JCAR's failure to object to a provision in a rulemaking does not necessarily constitute its approval of that provision, and JCAR has the authority to act on any existing rule at any time.

Recommendation. (Issued along with a Certificate of No Objection) If JCAR has concerns about a rulemaking that do not rise to the level of an Objection, it can vote to recommend that the agency take a specific course of action in the future. Agencies must respond to recommendations within 90 days after receipt of the statement of the specific recommendations. An agency should respond to each recommendation for action by agreeing or refusing to pursue the action, and should clearly state the nature (e.g., agreement to modify, agreement to withdraw, refusal to modify or withdraw) and rationale for its response. However, that agency can also adopt the rules without any changes once the Second Notice period is ended (either by expiration of the full 45 or 90 days or by the issuance of a Certificate of No Objection).

Objection. JCAR can issue an Objection in response to part or all of a rulemaking if that rulemaking does not meet all of the IAPA's substantive and procedural requirements for rulemaking. An agency must respond to an Objection in writing within 90 days after it receives the Statement of Objection, but after responding to the Objection it can proceed to adopt without making changes. The agency can modify or withdraw in response to a JCAR Objection or adopt the rules without changes (JCAR agreements still apply in the latter case). Failure to respond to an Objection within the required 90 days results in the automatic withdrawal of the rulemaking.

Filing Prohibition/Suspension. If JCAR determines that some or all of a rulemaking poses a threat to the public interest, safety, or welfare, it can prohibit the filing of a proposed rulemaking (or, in the case of an emergency, preemptory, or required rule that has already taken effect, suspend it). To suspend or prohibit the filing of a rule, 3/5 of the members appointed to the Committee (typically 8 of the 12 members) must vote to do so. Once a filing prohibition is issued, the proposed rulemaking cannot be accepted by the Secretary of State or enforced by the agency unless JCAR withdraws the prohibition or the General Assembly acts to end the prohibition within 180 days. An emergency, preemptory, or required rule that has already been adopted becomes null and void for 180 days, after which it is automatically repealed unless JCAR withdraws the suspension or the General Assembly acts to end the suspension within the allotted 180 days.

Public Information

There are five primary sources from which members of the public can stay informed about administrative law:

- ***Illinois Administrative Code*** (IAC). The IAC contains all agency rules currently in force. It is significantly larger than the Illinois Compiled Statutes and is maintained electronically by JCAR and the Legislative Information System on the General Assembly's website (<https://www.ilga.gov/agencies/JCAR/AdminCode>). State agencies can ask JCAR for downloads, in Microsoft Word format, of specific Parts or Sections to use for drafting purposes.

- **Illinois Register.** The *Illinois Register* is the official State publication through which the public is informed of rulemaking activity. The *Register* is prepared weekly by JCAR and is published by the Secretary of State on Fridays. It can be accessed through the General Assembly website (<http://www.ilga.gov>) or the Secretary of State's website (<https://www.ilsos.gov/departments/index/register/home.html>). The *Register* contains First Notice publications of proposed rulemakings, notices of JCAR actions, a list of Second Notices received by JCAR, notices of final adoption of rulemakings, regulatory agendas (in January and July), executive orders and proclamations, and other miscellaneous agency notices as allowed by law. On average, the *Register* contains 19,000 pages per year.
- **The Flinn Report: Illinois Regulation** is a weekly online JCAR publication summarizing the rulemaking activity depicted in the matching issue of the *Illinois Register*. (It is named after Monroe L. Flinn, a founding JCAR member who served as Secretary for 10 of the 18 years he served on the Committee.) The Flinn Report is available weekly on the General Assembly's website: <https://www.ilga.gov/agencies/JCAR/Flinn>.
- **Department of Commerce and Economic Opportunity (DCEO).** In addition to preparing impact analyses for rulemakings likely to affect small businesses, DCEO's Illinois Office of Regulatory Flexibility also maintains a website devoted to helping small business owners stay informed of rulemakings that may be of interest: <https://dceo.illinois.gov/businesshelp/smallbusinessassistance.html>.
- **Executive Branch Outreach.** Many agencies maintain a page on their website with information about pending and recent rulemakings, and often consult stakeholders before a rulemaking is formally proposed. In addition, some agencies are required by law to publish notices of rulemaking-related hearings in local newspapers.

Public Participation

One of the main reasons the IAPA was enacted was to enable the public to provide input into the rulemaking process. Any interested person can contact an agency during the First Notice period to comment on a proposed rulemaking. In addition, many agencies also consult with interest groups during a pre-First Notice drafting process. Under the IAPA's *ex parte* communication requirements, agency personnel must disclose the nature and content of any communications received that take a position or ask a substantive question related to a rulemaking. However, this requirement is not a valid reason for agency personnel to avoid talking to members of the public; it merely stipulates the recordkeeping requirement for that communication.

When the rulemaking goes to Second Notice, JCAR receives a copy or summary of all written comments submitted to the agency. In addition, members of the public can contact JCAR directly, and frequently do so if an agency refuses to modify a rulemaking in response to their comments or if they discovered the existence of the proposal too late for the First Notice public comment period.

Public comment is vital to the JCAR review process. Frequently, it is only through this comment that the Committee fully recognizes the effect of a rule on individuals, businesses, or local governments that have to adhere to it daily.

Members of the public may also suggest rule revisions to agencies using the Complaint Review Process outlined in 1 Ill. Adm. Code 260. JCAR can investigate an existing rule of its own volition or in response to a public complaint.

2025 Rulemakings

In 2025 JCAR reviewed 374 rulemakings, 347 of which were proposed rulemakings, 19 were emergency rulemakings, and 8 were required rulemakings.

(NOTE: Differences between the number of rules proposed and rules considered occur because rules that agencies propose near the end of one calendar year are considered by JCAR in the next.)

Some of the more notable rulemakings on which JCAR took action during 2025 follow.

Proposed Rulemakings

JCAR reviewed 347 proposed rulemakings. It voted 4 Objections and 8 Recommendations.

OBJECTIONS

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES – Medical Payment (89 Ill. Adm. Code 140; 48 Ill. Reg. 15982)

HFS implemented a PA and State Plan Amendment establishing the Safety Net Obstetrical Payments program. At the 2/4/25 meeting, JCAR objected to this rulemaking because the Department has implemented the Safety Net Obstetrical Payments program outside of rule for more than three years. Public Act 102-4, which became effective on April 27, 2021, established a \$50 million annual funding pool for Safety Net Obstetrical Payments to safety net hospitals designated by the Department of Public Health as perinatal centers and required the Department to establish a methodology in rule for distributing the payment pool among these hospitals. ■ AGENCY RESPONSE: HFS partially disagreed with the Objection. While the Department agreed to make every effort to be more timely in filing proposed rules after federal approval of State Plan Amendments, it said that in this case, it acted as expeditiously as possible. An initial set of rules proposed on 1/27/23 expired without being adopted because HFS was unable to reach agreement on compromise language that was acceptable to stakeholders and complied with federal law at the time. A subsequent change in federal regulations allowed HFS to revive these rules and address stakeholder concerns, but since those regulations did not take effect until 1/1/25, HFS could not adopt new rules prior to that date. ■ JCAR RESPONSE: At the 3/4/25 meeting, JCAR approved a Notice of Failure to Remedy stating that HFS' response was not timely or expeditious.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES – Services Delivered by the Department of Children and Family Services (89 Ill. Adm. Code 302; 48 Ill. Reg. 16617)

DCFS proposed amendments updating this Part, then after having submitted Second Notice, requested to withdraw them so that the proposed changes could be included in a more comprehensive rulemaking in the near future. However, a rulemaking that has been submitted for Second Notice can only be withdrawn in response to a JCAR Objection. At the 4/8/25 meeting, JCAR objected to this rulemaking because it does not meet the requirements of 1 Ill. Adm. Code

220.900(a)(2)(F), which requires rulemakings to be free of technical errors, redundancies and grammatical or typographical errors that could affect the meaning of the rules. The Department has indicated its intent to withdraw this rulemaking and include these changes, along with other suggested cleanup measures, in a new rulemaking upon which any interested parties will have the opportunity to comment. ■ AGENCY RESPONSE: DCFS withdrew the rulemaking. ■ JCAR RESPONSE: Due to the appropriateness of the agency's response, no further action.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES – Special Eligibility Groups (89 Ill. Adm. Code 118; 49 Ill. Reg. 3418)

HFS proposed rules discontinuing the Health Benefits for Immigrant Adults (HBIA) program effective 7/1/25 and adopting restrictions on the Health Benefits for Immigrant Seniors (HBIS) program that had previously existed only in emergency rules. At its 6/17/25 meeting, JCAR objected to Section 118.760 of this rulemaking because it does not meet the rulemaking criteria of 1 Ill. Adm. Code 220.900(a)(1)(D) and (a)(2)(E). The Department has not included in this rulemaking clear standards for determining which healthcare services under the HBIS program are subject to copayments, and by disclosing these services and copayment amounts via provider notices rather than in rule, the Department is not ensuring that these rules will be fully understood by the persons and groups that are affected. ■ AGENCY RESPONSE: HFS modified the rulemaking to be more specific concerning HBIS services subject to copayments and the copayment amounts. ■ JCAR RESPONSE: Due to the appropriateness of the agency's response, no further action.

PURCHASED CARE REVIEW BOARD – Purchased Care Review Board (89 Ill. Adm. Code 900; 49 Ill. Reg. 2329)

PCRB implemented a PA by creating a rate setting process for separate public special education day schools. At its 6/17/25 meeting, JCAR objected to this rulemaking because the Board did not comply with 1 Ill. Adm. Code 220.900(a)(1)(C) by allowing the implementation of portions of this rulemaking prior to adoption of the rule. Section 5-10(c) of the IAPA states that no agency rule is valid or effective until it has been filed with the Secretary of State. The determination of the content and the solicitation and collection of cost reports occurred prior to the adoption of the proposed rule. ■ AGENCY RESPONSE: PCRB acknowledges the objection and that the rulemaking process took longer than it anticipated. The Board will be more proactive with future rulemakings to avoid prior implementation. ■ JCAR RESPONSE: Due to the appropriateness of the agency's response, no further action.

RECOMMENDATIONS

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES – Medical Assistance Programs (89 Ill. Adm. Code 120; 48 Ill. Reg. 14436)

HFS implemented federal law and a State Plan Amendment providing Medicaid coverage to former foster children ages 18 through 25 who reside in Illinois and were receiving medical assistance under any state's Medicaid State Plan or waiver at the time they aged out of foster care. At the 1/14/25 meeting JCAR recommended that the Department be more timely in implementing

State Plan Amendments in rule. State Plan Amendment 23-0010, implemented in the 89 Ill. Adm. Code 120 rulemaking, was approved on 1/12/24. ■ AGENCY RESPONSE: HFS accepted the Recommendation and stated that it will make every attempt to be more timely in implementing proposed rules upon approval of State Plan Amendments. ■ JCAR RESPONSE: Due to the appropriateness of the agency's response, no further action.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES -- Medical Payment (89 Ill. Adm. Code 140; 48 Ill. Reg. 14451)

HFS proposed rules implementing a State Plan Amendment covering, without cost sharing, all adult vaccines recommended by the CDC's Advisory Committee on Immunization Practices (ACIP). At its 2/4/25 meeting, JCAR recommended that HFS be more timely in updating its rules to reflect current policy and in implementing State Plan Amendments in rule. State Plan Amendment 23-0049, implemented in this rulemaking, was approved on 2/20/24. Additionally, HFS has been covering all child and adult vaccines recommended by the federal Advisory Committee on Immunization Practices (ACIP) since at least 2019, but has not until now updated its list of covered vaccines in Sec. 140.488. ■ AGENCY RESPONSE: HFS agreed with the timeliness recommendation. ■ JCAR RESPONSE: Due to the appropriateness of the agency's response, no further action.

POLLUTION CONTROL BOARD – Groundwater Quality (35 Ill. Adm. Code 620; 48 Ill. Reg. 4608)

PCB proposed rules updating various groundwater quality standards. At its meeting on 3/4/25, JCAR recommended that the Board assess the makeup of potentially impacted parties under each pending rulemaking and approach its obligation to consider the "economic reasonableness" of its rulemakings by engaging substantively and specifically with concerns raised by commenters, rather than by relying exclusively on its past practice. Section 27 of the Environmental Protection Act requires the Board to consider the "technical feasibility and economic reasonableness" of each rulemaking before it. During this rulemaking's lengthy docket process prior to first notice, commenters repeatedly asserted that the proposed groundwater quality standards would have an adverse economic impact, particularly on landfills, since 35 Ill. Adm. Code 620 groundwater quality standards are cross-referenced in 35 Ill. Adm. Code 811 and 814, which regulate landfills. The Board did not respond to this point substantively, instead just asserting that compliance costs in general cannot be considered as following from numeric standards, since rules governing specific remediation programs must be amended before compliance costs are incurred. Only after JCAR sent the Board a letter outlining the inadequacy of its economic analysis did the Board acknowledge that the proposed standards could have an economic impact on landfills prior to any subsequent rulemaking. ■ AGENCY RESPONSE: PCB agreed with the Recommendation. ■ JCAR RESPONSE: Due to the appropriateness of the agency's response, no further action.

DEPARTMENT OF HUMAN SERVICES – Early Intervention Program (89 Ill. Adm. Code 500; 49 Ill. Reg. 45)

DHS proposed rules updating its family fee schedule for Early Intervention services to remove monthly fees for families with incomes at or below 318% of the Federal Poverty Level (threshold

for Medicaid and CHIP eligibility) and retain existing fees for families at or above 319% of FPL. However, DHS had not charged fees to any EI enrolled families since the COVID-19 public health emergency, thereby disregarding its own rules without statutory or Executive Order authority for this action. Also, the Medicaid/CHIP eligibility threshold was raised from 185% to 313% FPL, subject to federal approval, via a PA enacted in 2021 and implemented in rule by HFS in 2023. At its 7/8/25 meeting, JCAR recommended that the Department follow its own rules, refrain from implementing changes to its fee collection policies outside of rule and also strive to reflect changes to its fee collection policies in a more timely manner. ■ AGENCY RESPONSE: DHS agreed with the Recommendation. ■ JCAR RESPONSE: Due to the appropriateness of the agency's response, no further action.

STATE BOARD OF ELECTIONS – Automatic Voter Registration (26 Ill. Adm. Code 301; 49 Ill. Reg. 3834)

SBEL proposed rules for its Automatic Voter Registration program, through which SBEL enters agreements with other State agencies (e.g., Department of Human Services, Department of Employment Security) allowing those agencies' customers to register to vote while conducting business with the agency. At its 8/13/25 meeting, JCAR recommended that the Board be more timely in implementing Public Acts. Public Act 100-464 required the Board to adopt rules to implement the automatic voter registration program and to implement the Public Act no later than July 1, 2018. ■ AGENCY RESPONSE: SBEL agreed with the Recommendation. ■ JCAR RESPONSE: Due to the appropriateness of the agency's response, no further action.

ILLINOIS GAMING BOARD – Sports Wagering (11 Ill. Adm. Code 1900; 49 Ill. Reg. 8840)

IGB proposed rules prohibiting the use of credit cards to fund sports wagering accounts, although the Sports Wagering Act [230 ILCS 45] does not specify whether credit cards can be used for this purpose. At its 10/14/25 meeting, JCAR recommended that the Board provide a more comprehensive statutory authority framework in its Notice of Proposed Rules. ■ AGENCY RESPONSE: Not received at year's end.

CAPITAL DEVELOPMENT BOARD – Illinois Energy Codes (71 Ill. Adm. Code 600; 49 Ill. Reg. 7704)

CDB proposed rules updating the incorporated/referenced version of the International Energy Conservation Code (IECC) in this Part from the 2021 to the 2024 edition and updating Illinois-specific adaptations to the IECC. The rulemaking included new requirements for commercial structures to install additional electrical infrastructure in anticipation of future power needs such as replacing natural gas appliances with electric appliances. At its 10/14/25 meeting, JCAR recommended that, in future rulemakings related to the Energy Efficient Building Act, the Board provide a more comprehensive and Illinois-specific economic impact analysis. A robust economic analysis should create a clear picture of the potential financial implications for the affected public. Such analysis should quantify, to the extent feasible, the direct and indirect costs of compliance, potential cost savings over time, and compare the impacts of alternative compliance pathways. This level of detail will not only improve transparency and accountability in the rulemaking process but will allow JCAR and the public to more accurately assess the balance between

regulatory benefits and economic burdens. ■ AGENCY RESPONSE: Not received before year's end.

DEPARTMENT OF PUBLIC HEALTH – Hospital Licensing Requirements (77 Ill. Adm. Code 250; 49 Ill. Reg. 8063)

DPH proposed an update to hospital procedures for notifying emergency personnel who have been exposed to a patient with an infectious or communicable disease. At its 10/14/25 meeting, JCAR recommended that the Department be more timely in updating statutory changes in rule. This rulemaking implements Public Act 98-851, effective August 1, 2014, which amended Sec. 6.08(b) of the Hospital Licensing Act [210 ILCS 85] to require the Department to use the federal Center for Disease Control's list of potentially life-threatening infectious diseases to determine which diseases require notification to emergency responders who were exposed to an incoming hospital patient diagnosed with one of these diseases. This Public Act also changed the written notification timeframe from 72 to 48 hours after the patient's diagnosis and added procedures specific to bloodborne and airborne infectious diseases. The Department is 11 years late in updating its hospital licensing rules to reflect these changes. ■ AGENCY RESPONSE: Not received at year's end.

Emergency Rulemakings

Section 5-45 of the Illinois Administrative Procedure Act specifies that agencies may use this short-form rulemaking procedure, in which a rule is adopted without prior opportunity for public and JCAR comment, only if the agency finds that an emergency exists that requires the adoption of a rule within fewer days than normally required. The agency must state the emergency in writing and make an effort to notify the affected public. An emergency rule becomes effective immediately upon filing with the Secretary of State or at a stated date less than 10 days after filing, and is effective for up to 150 days, after which a general rulemaking must be adopted if the policy is to continue. No emergency rule may be adopted more than once in any 24-month period unless statute specifies otherwise.

In 2025, JCAR reviewed 19 emergency rules and issued 4 Objections.

OBJECTIONS

DEPARTMENT OF REVENUE – Income Tax (86 Ill. Adm. Code 100; 48 Ill. Reg. 17848) and Illinois Gives Tax Credit Act (86 Ill. Adm. Code 1050; 48 Ill. Reg. 18291)

DOR adopted emergency rules implementing the Illinois Gives Tax Credit Act, which provides income tax credits to taxpayers who make qualified contributions to qualifying community foundations. At the 1/14/25 meeting, JCAR objected to both of these emergency rulemakings because the Department did not state, in writing, why an emergency exists that requires the adoption of a rule in fewer days than is required by general rulemaking process as is required by Section 5-45 of the Illinois Administrative Procedure Act. ■ AGENCY RESPONSE: DOR acknowledged that its Notices of Emergency Amendment for these rulemakings did not include a finding of a threat to the public interest, safety, or welfare, and agreed to include this information in future statements of emergency. ■ JCAR RESPONSE: Due to the appropriateness of the agency's response, no further action.

ILLINOIS EMERGENCY MANAGEMENT AGENCY AND OFFICE OF HOMELAND SECURITY – Political Subdivision Emergency Services and Disaster Agencies (29 Ill. Adm. Code 301; 49 Ill Reg 9116)

IEMA-OHS adopted emergency rules extending the maximum accreditation terms of local Emergency Services and Disaster Agencies (ESDAs) from 4 years to 4 years 6 months, so that affected local ESDAs would remain eligible for federal grant funds after the beginning of the next federal fiscal year on October 1. At its 8/13/25 meeting, JCAR objected to this emergency rule because the Agency has not met the criteria of 1 IAC 230.400(a)(1)(C), which requires the emergency situation that necessitates the emergency rule to have arisen through no fault of the agency. The Agency had been working on amendments to this Part since August 2021 and had ample time to extend the accreditation deadlines contained in this emergency rule through the proposed rulemaking process. ■ AGENCY RESPONSE: Not considered in 2025.

DEPARTMENT OF CORRECTIONS – Rights and Privileges (20 Ill. Adm. Code 525; 49 Ill. Reg. 10945)

DOC adopted emergency rules instituting procedures for processing mail and publications coming into or from correctional institutions such as mail scanning (giving individuals in custody scanned copies of their mail instead of the actual mail), a multi-factor authentication system for privileged mail (not subject to inspection), and excluding books and publications altered from their original state (e.g., missing/marked pages, written marginal notes). At its 9/16/25 meeting, JCAR objected to this emergency rule because it fails to meet the criteria of 1 Ill. Adm. Code 230.400(a)(1)(A), (D), and (E), 1 Ill. Adm. Code 230.400(a)(2)(B), and 1 Ill. Adm. Code 230.400(a)(3)(E). The Department has not demonstrated that an emergency situation exists that requires adoption of the rule upon fewer days' notice than is required by the proposed rulemaking process. This emergency rule was effective on 8/14/25, but the Department indicated that it did not intend to implement the major provisions until 9/15/25, with full implementation not occurring for at least six months thereafter. Sec 5-45(b) of the IAPA requires that emergency rules become effective immediately or not less than 10 days after filing. Additionally, the emergency rule does not include standards for the exercise of discretionary authority. The emergency rule states that the Department "may" implement electronic mail processing, "may" implement a multi-factor authentication system for privileged mail, and that the Director "may" exclude any mail from electronic processing. The emergency rule contains no details as to the factors the Department will consider when determining whether or not to exercise the authority that it created for itself. The emergency rule is also not limited to those matters that are required to meet the emergency situation as it contains a prohibition on used or altered publications that has apparently been enforced through Department policy for at least 10 years. The Department has not taken steps to make the emergency rule known to those persons who may be affected by it. To date, no public communication regarding when the Department will implement mail scanning, multi-factor authentication, or the other changes to publication rules has been issued, and therefore there is no way for the public to know when each provision will actually take effect. Finally, the language of the emergency rule is not simple or clear so that the rule can reasonably understood by the groups they affect. The rule is ambiguously worded to allow the Department to electronically process privileged mail, subject outgoing privileged mail to the multi-factor authentication process, and prohibit publications that are "altered from their original state". ■ AGENCY RESPONSE: DOC refused to modify the emergency rule, although it included additional clarifying aspects in its companion proposed rulemaking. ■ JCAR RESPONSE: Issue a Notice of Failure to Remedy.

Required Rulemakings

Section 5-15 of the Illinois Administrative Procedure Act requires that each agency maintain as rules certain types of basic information about the agency and its rulemaking process. For example, the agency must include a description of its organizational structure; procedures by which the public can obtain information concerning the agency's programs, including Freedom of Information Act (FOIA) procedures; and a current description of the agency's rulemaking procedures and research tools for its body of rules. An agency may also adopt rules that incorporate material by reference and adopt rules that specify the qualifications of administrative law judges by using the required rulemaking process. Section 5-15 authorizes agencies to bypass

the proposed rulemaking process and file a certified copy of a required rule with the Secretary of State for publication in the Illinois Register as an adopted rulemaking. JCAR reviews required rules after, rather than before, they are adopted.

JCAR considered 8 required rulemakings in 2025.

Peremptory & Exempt Rulemakings

Section 5-50 of the Administrative Procedure Act specifies that agencies may use this form of rulemaking procedure, in which the rule is adopted without prior opportunity for public and JCAR comment, only if the rulemaking is required by federal law, federal regulations, court orders, or collective bargaining agreements; if the agency cannot exercise any discretion concerning the rule content; and under conditions that preclude compliance with general rulemaking requirements. Agencies must file the peremptory rule with the Secretary of State within 30 days after the change in rules is required.

Exempt rulemaking is a specialized form of rulemaking, similar to the peremptory rulemaking process, reserved for use by the Pollution Control Board (PCB) under the Environmental Protection Act [415 ILCS 5] and by the Illinois Emergency Management Agency (IEMA) under the Radiation Protection Act [420 ILCS 40]. PCB and IEMA can use this short-form procedure only to adopt Illinois regulations that are "identical in substance" to mandated federal regulations.

JCAR did not consider any peremptory or exempt rulemakings in 2025.

Rulemakings Considered by JCAR in 2025

Listed by Type

Type	Number
Proposed	347
Emergency	19
Required	8
Exempt	0
Peremptory	0
Total	374

Listed by Agency

Agency	Total	Proposed	Emergency	Required	Exempt	Peremptory
Aging, Department on	1	1	0	0	0	0
Agriculture, Department of	1	1	0	0	0	0
Attorney General, Office of the	2	2	0	0	0	0
Auditor General, Office of the	2	2	0	0	0	0
Capital Development Board	3	3	0	0	0	0
Central Management Services, Department of	2	2	0	0	0	0
Chief Procurement Officer for General Services	1	1	0	0	0	0
Children and Family Services, Department of	15	15	0	0	0	0
Civil Service Commission	1	1	0	0	0	0
Commerce Commission, Illinois	4	4	0	0	0	0
Commerce and Economic Opportunity, Department of	10	9	1	0	0	0
Corrections, Department of	3	2	1	0	0	0

Agency	Total	Proposed	Emergency	Required	Exempt	Peremptory
Criminal Justice Information Authority, Illinois	1	1	0	0	0	0
Education, State Board of	7	7	0	0	0	0
Elections, State Board of	8	7	0	1	0	0
Emergency Management Agency and Office of Homeland Security	2	1	1	0	0	0
Employment Security, Department of	11	11	0	0	0	0
Environmental Protection Agency, Illinois	9	9	0	0	0	0
Finance Authority, Illinois	1	1	0	0	0	0
Financial and Professional Regulation, Department of	30	30	0	0	0	0
Gaming Board, Illinois	7	7	0	0	0	0
Guardianship and Advocacy Commission	1	1	0	0	0	0
Health Facilities and Services Review Board	1	1	0	0	0	0
Healthcare and Family Services, Department of	28	22	6	0	0	0
Higher Education, Board of	1	1	0	0	0	0
Housing Development Authority, Illinois	1	1	0	0	0	0
Human Services, Department of	21	18	3	0	0	0
Innovation and Technology, Department of	2	2	0	0	0	0
Insurance, Department of	14	10	1	3	0	0
Labor Relations Board, Illinois	3	3	0	0	0	0
Labor, Department of	3	3	0	0	0	0
Law Enforcement Training and Standards Board, Illinois	1	1	0	0	0	0
Management and Budget, Governor's Office of	1	1	0	0	0	0
Natural Resources, Department of	27	24	3	0	0	0

Agency	Total	Proposed	Emergency	Required	Exempt	Peremptory
Pollution Control Board	32	31	0	1	0	0
Power Agency, Illinois	1	1	0	0	0	0
Public Health, Department of	29	27	0	2	0	0
Purchased Care Review Board	1	1	0	0	0	0
Revenue, Department of	55	53	2	0	0	0
Secretary of State, Office of the	12	10	1	1	0	0
State Employees' Retirement System of Illinois	3	3	0	0	0	0
State Fire Marshal, Office of the	2	2	0	0	0	0
State Treasurer, Office of the	4	4	0	0	0	0
State Universities Civil Service System of Illinois	1	1	0	0	0	0
State Universities Retirement System of Illinois	2	2	0	0	0	0
Student Assistance Commission, Illinois	4	4	0	0	0	0
Teachers' Retirement System of the State of Illinois	1	1	0	0	0	0
Transportation, Department of	1	1	0	0	0	0
Total	374	347	19	8	0	0

JCAR Actions in 2025

Listed by Rule Type

Type	Total	Recommendation	Objection	Prohibition	Suspension
Proposed	12	8	4	0	0
Emergency	4	0	4	0	0
Required	0	0	0	0	0
Exempt	0	0	0	0	0
Peremptory	0	0	0	0	0
Total	16	8	8	0	0

Listed by Agency

Agency	Total	Recommendation	Objection	Prohibition	Suspension
Capital Development Board	1	1	0	0	0
Children and Family Services, Department of	1	0	1	0	0
Corrections, Department of	1	0	1	0	0
Elections, State Board of	1	1	0	0	0
Emergency Management Agency and Office of Homeland Security	1	0	1	0	0
Gaming Board, Illinois	1	1	0	0	0
Healthcare and Family Services, Department of	4	2	2	0	0
Human Services, Department of	1	1	0	0	0
Pollution Control Board	1	1	0	0	0
Public Health, Department of	1	1	0	0	0
Purchased Care Review Board	1	0	1	0	0
Revenue, Department of	2	0	2	0	0
Total	16	8	8	0	0

JCAR Actions, Basis, Rationale and Agency Response

No entry in the Response Motion column indicates that an agency response was not received or was not on a JCAR meeting agenda in 2025.

Objections = bold; Recommendations = italic

Rulemaking	Agency	Type	Motion	Response Motion	Rationale
71-600-25-07704	Capital Development Board	<i>Proposed</i>	<i>Recommendation</i>		<i>Lack of economic impact analysis</i>
89-302-24-16617	Children and Family Services, Department of	Proposed	Objection	Due to appropriateness, no further action	Lack of clarity
20-525-25-10945E	Corrections, Department of	Emergency	Objection	Failure to remedy	Agency created emergency; lack of emergency; lack of standards for discretion
26-300-25-03834	Elections, State Board of	<i>Proposed</i>	<i>Recommendation</i>	<i>Due to appropriateness, no further action</i>	<i>Timeliness</i>
11-1900-25-08840	Gaming Board, Illinois	<i>Proposed</i>	<i>Recommendation</i>		<i>Statutory authority</i>
89-118-25-03418	Healthcare and Family Services, Department of	Proposed	Objection	Due to appropriateness, no further action	Lack of standards and clarity
89-120-24-14436	Healthcare and Family Services, Department of	<i>Proposed</i>	<i>Recommendation</i>	<i>Due to appropriateness, no further action</i>	<i>Timeliness</i>
89-140-24-14451	Healthcare and Family Services, Department of	<i>Proposed</i>	<i>Recommendation</i>	<i>Due to appropriateness, no further action</i>	<i>Timeliness</i>
89-148-24-15982	Healthcare and Family Services, Department of	Proposed	Objection	Failure to remedy	Policy outside of rule
29-301-25-09116E	Emergency Management Agency and Office of Homeland Security, Illinois	Emergency	Objection		Agency created emergency
89-500-25-00045	Human Services, Department of	<i>Proposed</i>	<i>Recommendation</i>	<i>Due to appropriateness, no further action</i>	<i>Policy outside of rule</i>
35-620-24-04608	Pollution Control Board	<i>Proposed</i>	<i>Recommendation</i>	<i>Due to appropriateness, no further action</i>	<i>Statutory compliance</i>
77-250-25-08063	Public Health, Department of	<i>Proposed</i>	<i>Recommendation</i>		<i>Timeliness</i>

89-900-25-02329	Purchased Care Review Board	Proposed	Objection	Due to appropriateness, no further action	Prior implementation
86-100-24-17848E	Revenue, Department of	Emergency	Objection	Due to appropriateness, no further action	Lack of statement of emergency
86-1050-24-18291E	Revenue, Department of	Emergency	Objection	Due to appropriateness, no further action	Lack of statement of emergency

Rulemakings Published in the Illinois Register in 2025

Listed by Type

Type	Number
Proposed	312
Emergency	17
Required	18
Exempt	0
Peremptory	0
Total	347

Listed by Agency

Agency	Total	Proposed	Emergency	Required	Exempt	Peremptory
Agriculture, Department of	3	3	0	0	0	0
Attorney General, Office of the	2	2	0	0	0	0
Auditor General, Office of the	2	2	0	0	0	0
Boiler and Pressure Vessel Rules, Board of	1	1	0	0	0	0
Capital Development Board	3	3	0	0	0	0
Central Management Services, Department of	2	2	0	0	0	0
Chief Procurement Officer for General Services	1	1	0	0	0	0
Children and Family Services, Department of	22	22	0	0	0	0
Civil Service Commission	1	1	0	0	0	0
Commerce Commission, Illinois	1	1	0	0	0	0
Commerce and Economic Opportunity, Department of	5	4	1	0	0	0
Community College Board, Illinois	2	2	0	0	0	0
Corrections, Department of	3	2	1	0	0	0

Agency	Total	Proposed	Emergency	Required	Exempt	Peremptory
Criminal Justice Information Authority, Illinois	1	1	0	0	0	0
Education, State Board of	3	3	0	0	0	0
Educational Labor Relations Board	1	1	0	0	0	0
Elections, State Board of	11	10	0	1	0	0
Elevator Safety Review Board	1	1	0	0	0	0
Emergency Management Agency and Office of Homeland Security, Illinois	5	4	1	0	0	0
Employment Security, Department of	12	12	0	0	0	0
Environmental Protection Agency, Illinois	14	5	0	9	0	0
Financial and Professional Regulation, Department of	26	26	0	0	0	0
Firearm Owner's Identification Card Review Board	1	1	0	0	0	0
Gaming Board, Illinois	6	6	0	0	0	0
Guardianship and Advocacy Commission	1	1	0	0	0	0
Health Facilities and Services Review Board	2	1	0	1	0	0
Healthcare and Family Services, Department of	19	12	7	0	0	0
Higher Education, Board of	1	1	0	0	0	0
Housing Development Authority, Illinois	3	3	0	0	0	0
Human Services, Department of	19	16	3	0	0	0
Innovation and Technology, Department of	2	2	0	0	0	0
Insurance, Department of	12	8	1	3	0	0
Investment, Illinois State Board of	1	1	0	0	0	0
Labor Relations Board, Illinois	3	3	0	0	0	0
Labor, Department of	3	3	0	0	0	0
Natural Resources, Department of	34	31	3	0	0	0

Agency	Total	Proposed	Emergency	Required	Exempt	Peremptory
Pollution Control Board	26	25	0	1	0	0
Power Agency, Illinois	1	1	0	0	0	0
Public Health, Department of	28	26	0	2	0	0
Purchased Care Review Board	1	1	0	0	0	0
Revenue, Department of	25	25	0	0	0	0
Secretary of State, Office of the	15	14	0	1	0	0
State Employees' Retirement System of Illinois	3	3	0	0	0	0
State Fire Marshal, Office of the	1	1	0	0	0	0
State Police Merit Board	1	1	0	0	0	0
State Police, Illinois	1	1	0	0	0	0
State Treasurer, Office of the	3	3	0	0	0	0
State Universities Retirement System of Illinois	1	1	0	0	0	0
Student Assistance Commission	7	7	0	0	0	0
Teachers' Retirement System of the State of Illinois	1	1	0	0	0	0
Transportation, Chief Procurement Officer for Department of	2	2	0	0	0	0
Transportation, Department of	2	2	0	0	0	0
Total	347	312	17	18	0	0

Rulemakings Adopted in 2025

Listed by Type

Type	Number
Proposed	337
Emergency	17
Required	27
Exempt	0
Peremptory	0
Total	381

Listed by Agency

Agency	Total	Proposed	Emergency	Required	Exempt	Peremptory
Aging, Department on	1	1	0	0	0	0
Agriculture, Department of	1	1	0	0	0	0
Attorney General, Office of the	1	1	0	0	0	0
Auditor General, Office of the	3	3	0	0	0	0
Capital Development Board	4	4	0	0	0	0
Central Management Services, Department of	2	2	0	0	0	0
Children and Family Services, Department of	11	11	0	0	0	0
Civil Service Commission	1	1	0	0	0	0
Commerce Commission, Illinois	5	5	0	0	0	0
Commerce and Economic Opportunity, Department of	10	9	1	0	0	0
Corrections, Department of	3	2	1	0	0	0

Agency	Total	Proposed	Emergency	Required	Exempt	Peremptory
Criminal Justice Information Authority	1	1	0	0	0	0
Education, State Board of	7	7	0	0	0	0
Elections, State Board of	8	7	0	1	0	0
Emergency Management Agency and Office of Homeland Security, Illinois	3	2	1	0	0	0
Employment Security, Department of	11	11	0	0	0	0
Environmental Protection Agency, Illinois	17	8	0	18	0	0
Examiners, Board of	1	1	0	0	0	0
Finance Authority, Illinois	1	1	0	0	0	0
Financial and Professional Regulation, Department of	29	29	0	0	0	0
Gaming Board, Illinois	5	5	0	0	0	0
Health Facilities and Services Review Board	2	1	0	1	0	0
Healthcare and Family Services, Department of	28	21	7	0	0	0
Higher Education, Board of	1	1	0	0	0	0
Human Services, Department of	20	17	3	0	0	0
Innovation and Technology, Department of	2	2	0	0	0	0
Insurance, Department of	14	10	1	3	0	0
Investment, Illinois State Board of	1	1	0	0	0	0
Labor Relations Board, Illinois	3	3	0	0	0	0
Labor, Department of	3	3	0	0	0	0
Law Enforcement Training and Standards Board	1	1	0	0	0	0
Management and Budget, Governor's Office of	1	1	0	0	0	0
Natural Resources, Department of	29	26	3	0	0	0
Pollution Control Board	32	31	0	1	0	0

Agency	Total	Proposed	Emergency	Required	Exempt	Peremptory
Public Health, Department of	26	25	0	2	0	0
Purchased Care Review Board	1	1	0	0	0	0
Revenue, Department of	51	51	0	0	0	0
Secretary of State, Office of the	14	14	0	1	0	0
State Employees' Retirement System of Illinois	3	3	0	0	0	0
State Fire Marshal, Office of the	2	2	0	0	0	0
State Treasurer, Office of the	3	3	0	0	0	0
State Universities Civil Service System of Illinois	1	1	0	0	0	0
State Universities Retirement System of Illinois	1	1	0	0	0	0
Student Assistance Commission, Illinois	4	4	0	0	0	0
Teachers' Retirement System of the State of Illinois	1	1	0	0	0	0
Transportation, Department of	1	1	0	0	0	0
Total	381	337	17	27	0	0

Other Reports

Legislation Related to Rulemaking Issues

Rulemakings considered by JCAR occasionally result in Objections or Recommendations based on lack of clear statutory authority, or written agreements with agencies to pursue legislation to clarify statute, resolve ambiguities, or seek specific statutory authority. The following are instances in which legislation considered during 2025 was prompted by a rulemaking issue, or in which suggestions to address statutory issues (if the agency is to pursue the proposed policy) had previously been made by JCAR.

PA 104-6 (HB 2755, Tarver/Villanueva, N. Harris), effective 6/16/25, included amendments to the Film Production Services Tax Credit Act [35 ILCS 16] that aligned the definitions of "above the line spending" and "below the line spending" with their common use in the film and television industry; established definitions of fair market value, related party and unrelated party; and established caps on the percentage of above the line and below the line spending that can be counted toward the tax credit. ■ RULEMAKING ISSUE: The Department of Commerce and Economic Opportunity attempted to impose the spending caps in amendments to 14 Ill. Adm. Code 528 that were proposed in 2024 but removed prior to adoption of the rulemaking since DCEO lacked statutory authority for these changes.

PA 104-309 (HB 3446, Faver Dias/Cappell), effective 1/1/26, amended the Child Care Act of 1969 [225 ILCS 10] as follows: No later than 1/1/27, the Department of Early Childhood shall publish, and update at least annually, a comprehensive list of college courses that count toward qualification as an early childhood teacher or director; create a process to verify qualifying courses in consultation with the Illinois Community College Board, the Board of Higher Education, and (prior to 1/1/27) the Department of Children and Family Services; and seek input from child care providers, advocacy organizations, and other stakeholders. The course verification process must include criteria for including, excluding or removing approved courses and provide that if a course is removed from the approved list, it will not adversely affect any teacher, director or applicant who is currently enrolled in or has already completed that course. Applicable state staff (previously, licensing representatives) must be trained in how to utilize the course list. DEC "may" adopt rules to implement these provisions. ■ RULEMAKING ISSUE: In 2023 DCFS was the subject of 2 complaint reviews, an Objection/Suspension of an emergency rule, and an Objection to a proposed rule due to its enforcement of policy outside of rule on day care providers. In October 2023 the Governor announced creation of a new agency (DEC) effective 7/1/26 to oversee all early childhood programs, including day care provider licensing. DCFS rulemakings concerning early childhood teacher qualifications continued to be a source of contention in 2024 and 2025.

SB 246 (Johnson, N. Harris/Mayfield, Vella), which passed both houses but was vetoed by the Governor, would have amended the State Treasurer Act [15 ILCS 505] to establish and administer a non-profit investment pool and an electronic payment processing program to supplement and enhance investment opportunities and secure electronic payment options otherwise available to not-for-profit corporations in the State. The bill also provided that the Treasurer may receive funds

paid into the pool for the purpose of holding and investing those funds; provided for surety bonds payable to not-for-profit corporations who participate in the pool; and required the Treasurer to adopt rules for the efficient administration of the pool. **Senate Floor Amendment 1** provided that not-for-profit corporations exempt from taxation under Section 501(c)(3) or 501(c)(5) of the Internal Revenue Code are eligible to participate in the non-profit investment pool. ■ **RULEMAKING ISSUE:** The Governor's Veto Message expressed concern that the investment program, while "well intentioned", would not only be open to non-profits that "advance interests the state desires to promote" but also could unintentionally benefit "fringe and extremist groups" who have affiliated 501(c)(3) organizations. The veto message also stated: "Some have suggested this issue can be resolved through rulemaking, but that would necessitate (JCAR) reviewing administratively proposed rules and voting on whether the standards that have been proposed appropriately limit the charitable organizations that may participate in the Treasurer's investment pool. A government program that includes standards based on an organization's views, activities, founders, or members to exclude non-profits with extreme positions could give rise to legal challenges."

Legislation Related to the IAPA

The following are issues related to the IAPA, or issues that directly affected rulemaking procedures, that engendered or were associated with legislation proposed or considered during the 2025 session.

PA 104-242 (HB 2667, Spain-Tarver-Haas-Delgado-Reick/Cunningham-Fowler-Castro-DeWitte-Harris-Turner), signed 8/15/25 and effective 1/1/26, made the following changes to the required rulemaking procedures in Sec. 5-15 of the IAPA: Removed the requirement to keep agency organizational charts in rule. Limits the required rulemaking procedure to rules that concern only the internal management of an agency and do not affect private rights or procedures available to persons or entities outside an agency. Required such rules to be published in the *Illinois Register* with a Notice Page referencing the criteria for required rulemakings, with at least a 14-day public comment period, after which the agency may adopt the rule with modifications in response to any comments received.

PA 104-417 (SB 2394, Cunningham/Williams), effective 8/15/25, was a General Revisory Bill that cleaned up various subsections of IAPA Sec. 5-45 to eliminate duplicate numbers and clarify their sunset dates.

EMERGENCY RULEMAKING: A number of legislative initiatives approved in 2025 granted emergency rulemaking authority to the agencies charged with implementing these measures. They include:

PA 104-2 (HB 1075, Gabel/Sims, N. Harris), the FY26 Budget Implementation Bill (BIMP) effective 6/16/25, added the following emergency rulemaking provisions: **Sec. 5-45.61** – DHS implementation of increased reimbursement rates for ID/DD community-based providers. **Sec. 5-45.62** – HFS implementation of increased reimbursement rates for ICF/DD and MC/DD facilities. **Sec. 5-45.63** – DHS implementation of increased payment limits for home-based services to

persons with mental disabilities. ■ Neither DHS nor HFS used their emergency rulemaking authority under this PA in 2025.

PA 104-7 (HB 2771, Lilly/Aquino, N. Harris), effective 6/16/25, instituted new hospital assessments for inpatient and outpatient services in the Public Aid Code [305 ILCS 5]. HFS was required to withhold payments to hospitals with unpaid past assessments beginning 9/1/25, unless 1) the hospital has agreed to a repayment or tax deferral plan with HFS or 2) when a disaster proclamation has been issued by the Governor, the hospital is in temporary financial distress, and enters an agreement with HFS specifying when repayment will resume. HFS was authorized to implement the assessments and withholding provisions by emergency rulemaking. ■ HFS filed emergency rules effective 11/2/25 and companion proposed rules (still on 1st Notice at the end of 2025) implementing this PA.

PA 104-9 (SB 2437, Aquino, Castro/Moeller), effective 6/16/25, amended the Public Aid Code and other statutes. The PA required HFS to file emergency rules no later than 7/1/25, and adopt permanent rules no later than 10/1/25, for Medicaid MCOs that address: guidelines for publication of MCO authorization policies; complex medical procedures; standardization of appeal forms; limitations on subsequent reviews of a service already authorized by the MCO; defined criteria for approving post-acute and long-term acute care; and standardized criteria for approving admission to a long-term acute care hospital. ■ HFS filed emergency rules effective 7/1/25 and adopted companion proposed rules effective 11/26/25.

PA 104-19 (HB 3760, Walsh/Holmes), effective 6/30/25, amended the Wildlife Code [520 ILCS 5] to provide that an annual gray fox hunting season may (previously, will) be established by DNR from 11/1 through 2/15. DNR may lengthen, shorten, or close this season or change the daily bag limit or possession limit in rule. The PA also authorized DNR emergency rulemaking. ■ DNR filed emergency amendments to 17 IAC 550 (hunting) and 17 IAC 570 (trapping) effective 7/9/25, and adopted permanent rules effective 10/30/25, closing the gray fox hunting and trapping seasons and prohibiting all gray fox hunting/trapping.

PA 104-407 (SB 2057, Hastings, Harris, Castro/Meyers-Martin), effective 8/15/25, amended the School Safety Drill Act [105 ILCS 128]. It required ISBE and OSFM to develop clear and definitive guidelines to school districts, private schools, and first responders regarding threat assessment procedures, rapid entry response plans, and cardiac emergency response plans. ISBE must provide school districts with guidance outlining what items shall be included within the school district's threat assessment procedure. The PA granted emergency rulemaking powers to ISBE, in consultation with ISP, for up to 365 days after the effective date of the amendatory Act. ■ ISBE did not file emergency or proposed rules to implement this Act during 2025.

Public Act Review

Section 5-105 of the Illinois Administrative Procedure Act [5 ILCS 100] requires JCAR to maintain a review program to monitor the implementation of new laws and changes in the law that require rulemaking by State agencies. JCAR fulfills this statutory obligation through its Public Act review program.

Under this program, JCAR staff reviews each new Public Act and makes a preliminary determination as to whether rulemaking might be necessary for proper implementation. After JCAR staff culls the list of Public Acts that clearly do not require rulemaking (appropriations, criminal and civil law, local government issues), they contact the affected State agency for its opinion. If necessary, these written contacts are followed up with discussion between JCAR and the agency.

The final list of Public Acts for which JCAR and the agency agree that rulemaking is warranted is then monitored as long as necessary to insure that progress is made toward implementation. The primary goal of this program is to ensure that appropriate rules are put into effect in a timely manner, as required by Section 5-105 of the IAPA.

If suitable progress is not made, JCAR, by the vote of a majority of its members, can initiate an investigation into any existing agency rules. If, after the agency appears before the Committee to explain its failure to adopt anticipated rules, the JCAR members are not satisfied with the agency's response, the Committee can object to the agency's conduct and may initiate further legislation to clarify the issue.

Frequently an agency is prompted to complete the necessary rulemaking simply by a conversation with JCAR.

Complaint Review Program

The Illinois Administrative Procedure Act authorizes JCAR to review and investigate the rulemaking activities of State agencies when it receives a written complaint.

JCAR operates its complaint review program under Part 260 of its operational rules (1 Ill. Adm. Code 260). Complaints may address one or more of the following: an existing rule of an agency; failure of an agency to fully or properly enforce its rules; absence of rules required by statute or necessary for the proper conduct of an agency program or function; or an agency policy that is applied without being contained in agency rules promulgated under the IAPA.

Upon receipt of a complaint, JCAR initiates a review to determine the need for a full investigation. Staff may raise questions and discuss problems with the agency, and will attempt to inform the agency of the substance of the complaint and any proposals for JCAR action before the meeting. Staff will report the results of the review and a proposal for action at a JCAR monthly meeting. If there is evidence of problems with the rules, any JCAR member or the Executive Director can place a complaint on the agenda for a JCAR meeting. If the same issues have been previously considered by JCAR, a complaint will not be placed on the agenda unless the complaint reveals information not available to JCAR at the time the issue was considered which, if available, would have altered the outcome. Based on the complaint, JCAR may issue an Objection or Recommendation to an existing rule or to an agency's failure to maintain adequate rules, and allow the agency to respond.

Complaints should be sent to the Executive Director of the Joint Committee at:

Joint Committee on Administrative Rules
700 Stratton Building
Springfield IL 62706
jcar@ilga.gov

Filing Prohibitions and Suspensions Issued by JCAR

2/1/26

IR = Illinois Register; IAC = Illinois Administrative Code

DATE	AGENCY	ACTION	BASIS	ISSUE
6/16/81	Health Fin Auth 4 IR 1915	Prohibition	Economic Impact/ Statutory Authority	Implements IHFA Act. Improper definition of "hospital services"; flawed reporting requirements; payor differentials; tries to establish a "contingent liability" agreement with the federal government. HFA modified; prohibition withdrawn.
4/13/82	EPA/DPH 4 IR 4669	Prohibition	Economic Impact	Public water supply samples; land & water samples; new regs on milk & milk products. Inadequate economic impact analysis; burdensome requirements for wastewater testing laboratories. EPA/DPH withdrew.
1/8/86	DNS 32 IAC 505 9 IR 1573	Prohibition	Economic Impact/ Federal Preemption	Extensive and burdensome regulation of nuclear steam-generating facilities. DNS withdrew.
9/23/87	DPR 68 IAC 250 11 IR 3836	Prohibition	Legislative Intent/ Freedom of Speech/ Economic Impact	Limitation on pre-need solicitation and sale of funeral arrangements. DPR withdrew.
3/7/90	DPR 68 IAC 1400 13 IR 2913	Prohibition	Economic Impact/ Statutory Authority	Requirements for clinical psychologist licensure conflicted with statute or lacked statutory authority. DPR modified; prohibition withdrawn.
9/17/91	DCFS 89 IAC 300 15 IR 8735	Prohibition	Statutory Authority/ Legislative Intent	Disallowed a statutorily required Christian Science exemption in the definition of "neglected child". DCFS modified; prohibition withdrawn.
1/8/92	DOI 50 IAC 2008 15 IR 14859	Prohibition	Economic Impact	Unlawful discrimination against the elderly by severely limiting the commission earned on the sale of Medicare supplement insurance policies, potentially restricting availability. DOI modified; prohibition withdrawn.
1/8/92	DonA 89 IAC 240 15 IR 17398	Suspension	Economic Impact	Program cutbacks without adequate notification and protection of elderly clients. DonA modified; prohibition withdrawn.
5/11/93	OSFM 41 IAC 100 16 IR 15681	Prohibition	Conflicting Regulations/Statutory Authority	Conflict between OSFM and DCFS on standards. OSFM modified; prohibition withdrawn. OSFM modified; prohibition withdrawn.
9/14/93	DOC 17 IAC 590, 17 IR 4554	Prohibition	Legislative Intent	Limits number of persons who can hunt geese from a single blind or hut to 3, without sufficient justification. DOC modified; prohibition withdrawn.
10/12/93	DPA 89 IAC 144, 140	2 Suspensions	Statutory Authority/ Legislative Intent	Reduction in payments to facilities caring for DD clients, in contradiction of PA 88-88. DPA repealed.

	17 IR 15162			
11/16/93	DFI 38 IAC 130 17 IR 6929	Prohibition	Economic Impact/ Legislative Intent	Unfair rate structure for cashing public aid checks. DFI withdrew.
12/14/93	ICC 83 IAC 315 93 IR 202	Prohibition	Economic Impact/ Overburdensome Regulation	Unfair rates paid by cable TV companies to utilities for use of pole space. ICC withdrew.
9/13/94	DPH 77 IAC 790 18 IR 3205, 3202	2 Prohibitions (New Rule & Repeal)	Statutory Authority/ Legislative Intent	Inclusion of drug products in the Ill. Drug Formulary that were not deemed equivalent by FDA or were exempt from FDA consideration. DPH withdrew.
11/15/94	DPA 89 IAC 140 18 IR 10922	Suspension	Statutory Authority	Medicaid coverage of abortions in rape/incest cases conflicted with statute limiting coverage to endangerment of mother's life. DPA repealed emergency rule.
2/7/95	SBE 23 IAC 401 18 IR 9756	Prohibition	Statutory Authority	Regulation of nonpublic special education facilities without statutory authority. SBE modified; prohibition withdrawn.
4/18/95	DASA 77 IAC 2090 19 IR 1156	Prohibition	Statutory Authority/ Legislative Intent/ Due Process	Alcoholism/substance abuse centers applying for certification as Medicaid providers with deficiencies in treatment programs will have applications denied with no chance for remediation and no chance to appeal the denial. DASA modified; prohibition withdrawn.
10/15/96	ICC 83 IAC 761, 762, 763, 764 20 IR 8416, 8407, 8393, 8395, 8527, 8541	2 (761, 763) Suspensions 4 Prohibitions (83 IAC 761, 762, 763, 764)	Overburdensome Regulation	Complex discovery procedures hinder ICC's ability to make an arbitration decision involving local telephone carriers and long distance carriers initiating local service within federal timeframes. ICC refused to modify or withdraw; prohibitions/suspensions withdrawn.
3/18/97	DNR 17 IAC 850 21 IR 322	Prohibition	Economic Impact	Eliminated commercial perch fishing on Lake Michigan will have an undue economic impact on the regulated business. DNR will do further rulemaking; prohibition withdrawn.
11/12/97	DPH 77 IAC 290 21 IR 13908	Suspension	Legislative Intent/ Adverse Impact on Availability of Adequate Health Care Facilities	Health facility plan review is statutorily required only for construction projects costing over \$5,000, not all projects. DPH withdrew.
2/17/99	SBEL 26 IAC 201, 202 22 IR 7858, 7862	2 Prohibitions	Statutory Authority/ Legislative Intent	Creates a system for SBEL staff review of nominating petitions for apparent conformity that is not consistent with statutory petition review procedures. SBEL withdrew.
4/11/00	ICC 83 IAC 726 24 IR 1	Prohibition	Statutory Authority/ Economic Impact/ Undue Reg. Burden	Extends application of Enhanced 9-1-1 requirements to schools, governments and not-for-profits in addition to the statutorily intended private businesses, corporations and industries. ICC modified; prohibition withdrawn.

6/13/00	ICC 83 IAC 727 24 IR 8635E	Suspension	Statutory Authority/ Economic Impact	Extends application of Enhanced 9-1-1 requirements to schools, governments and not-for-profits in addition to the statutorily intended private businesses, corporations and industries. ICC refused to modify or withdraw; suspension expired.
11/29/00	DFI 38 IAC 110 24 IR 11717	Prohibition	Economic Impact	This attempt to regulate short-term (payday) loans and cash for title loans creates an unreasonable economic burden for small lenders, which could result in diminished availability of loans for consumers with limited options. DFI refused to modify or withdraw; prohibition expired.
1/9/01	ICC 83 IAC 727 24 IR 8454	Prohibition	Statutory Authority	Extends application of Enhanced 9-1-1 requirements to schools, governments and not-for-profits in addition to the statutorily intended private businesses, corporations and industries. ICC refused to modify or withdraw; prohibition expired.
1/9/01	SBE 23 IAC 28 24 IR 16738	Suspension	Economic Impact	Under these preemptory rules, teachers will not be as qualified to teach children with special needs as current rule provides. Also, teachers will need additional training, which could result in fewer qualified teachers available to serve special education students. SBE implemented the settlement order as agency policy outside rule. PA 97-461 authorized SBE to use preemptory rulemaking to implement the federal court orders SBE adopted rules 8/22/11. SBE refused to modify or withdraw; suspension made permanent by SJR 26.
2/21/01	SBE 23 IAC 25 24 IR 16109	Suspension	Economic Impact	Continued enforcement would constitute a serious threat to the welfare of special education students. Implementation may result in unqualified teachers being assigned to students for whom the teacher has no training or preparation. (See above description.) SBE refused to modify or withdraw; suspension made permanent by SJR 26.
11/19/02	DPA 89 IAC 120 26 IR 5047	Prohibition	Statutory Authority under Federal Law	Exceeds federal statutory authority by adding restrictions on determining whether an annuity was transferred at fair market value. DPA failed to respond to objection within statutory time limit; rulemaking deemed withdrawn.
11/18/03	OBRE 38 IAC 375, 1000, 1075 27 IR 16024, 16029, 16043	3 Suspensions	No Legitimate Emergency	Increases fees assessed on financial institutions without proving the existence of a situation meriting the use of emergency rulemaking. OBRE repealed emergency rules.
2/18/04	DPR 68 IAC 1370 28 IR 1760	Suspension	Lack of standards	Lacks sufficient standards to be applied in determining whether a purported kickboxing event is actually an ultimate fighting event. (Amateur and professional kickboxing events are exempt from DPR's authority to ban ultimate fighting.) DPR repealed emergency rule.
2/18/04	ICC 92 IAC 1710 27 IR 8600	Prohibition	Economic Impact	Increasing the amount a commercial relocater of trespassing vehicles is charged for filing relocation tow record forms and numbers, regardless of whether the relocater is reimbursed for the tow, may create an undue economic burden on these businesses, which may result in a decrease in relocater availability. ICC refused to modify or withdraw; prohibition expired.
7/13/04	BHE 23 IAC 1020 28 IR 284	Prohibition	Statutory Authority/ Policy Outside Rule	Statute specifies programs eligible for Health Service Education Grants and does not give BHE authority to further limit that eligibility. BHE withdrew.

1/11/05	DPH 77 IAC 860, 870, 880, 885 28 IR 1652, 1674, 2613, 1684, 1717	4 Prohibitions	Threat to the Public Interest	DPH failed to give all affected parties the opportunity to discuss the proposed manufactured housing rulemakings and potential amendments, creating a threat to the public interest. DPH modified; prohibitions withdrawn; DPH failed to adopt before 1 year expiration.
6/14/05	ESRB 41 IAC 220 29 IR 1101	Prohibition	Statutory Authority	Creates elevator safety rules - Numerous provisions conflicted with statute or lacked statutory authority. ESRB withdrew.
4/11/06	SBE 23 IAC 305 30 IR 86	Prohibition	Threat to the Public Interest	Sets school nutrition standards that do not provide a total approach to child nutrition through diet, nutrition education and exercise; preempts the purview of the State Task Force on Wellness that is to consider the issue of school nutrition and report to the Governor and the General Assembly by January 2007; and largely excludes local school district input and expertise in development of the proposal. SBE modified; prohibition withdrawn.
7/11/06	DCFS 89 IAC 406, 408 29 IR 18180, 18207	2 Prohibitions	Economic Impact	The rulemakings lack clarity, which threatens the public interest in that applicants/licensees and the families they serve could be adversely economically impacted. DCFS modified; prohibition withdrawn.
7/11/06	DFPR 38 IAC 110 30 IR 2449	Prohibition	Statutory Authority	No statutory authority to apply Payday Loan Reform Act restrictions to Consumer Installment Loan Act licensees. DFPR refused to modify or withdraw; prohibition withdrawn on provisions affecting military; remainder is permanently prohibited.
11/14/06	DOL 56 IAC 220 29 IR 19106	Prohibition	Statutory Authority	The provisions regarding when employee breaks may be taken are not statutorily required and appear to be unduly restrictive without significant benefit. DOL withdrew.
1/9/07	SBE 23 IAC 226 30 IR 4421	Prohibition	Threat to the Public Interest	Incorporates Special Education federal rules – Adoption of policies is not mandated by the USDoe and poses a serious threat to the interests of children with disabilities and special education teachers. SBE modified; prohibition withdrawn.
2/6/07	DOA 8 IAC 25 30 IR 14664	Prohibition	Statutory Authority	Regulation and licensing of dog daycare – DOA inadequately justified the need for this new regulatory activity, which was not specifically authorized by statute. DOA modified; prohibition withdrawn.
3/13/07	ESRB 41 IAC 1000 30 IR 16522	Prohibition	Threat to the Public Interest	Creates elevator safety rules – Adoption of 1 st Notice modification requiring mechanics to work under the direct supervision of a licensed contractor without an opportunity for public to comment is a serious threat to the public interest. ESRB modified; prohibition withdrawn.
6/19/07	CMS 44 IAC 1 30 IR 19577	Prohibition	Statutory Authority	Allows piggybacking and multi-government procurement. CMS lacks statutory authority to permit numerous purchasing procedures and requirements of the Procurement Code to be bypassed. CMS withdrew.
9/18/07	DFPR 50 IAC 937 31 IR 10699E	Suspension	No Emergency	Sets supplemental quarterly reporting requirements for health insurance firms. No emergency situation warranted adoption of an emergency rule. Use of emergency rulemaking imposes new costs without the opportunity for prior review and comment by the affected public. DFPR repealed emergency rule.

10/10/07	DFPR 50 IAC 937 31 IR 10546	Prohibition	Statutory Authority	Sets supplemental quarterly reporting requirements for health insurance firms. No statutory authority. DFPR refused to modify or withdraw; prohibition permanent.
11/13/07	HFS 89 IAC 120 31 IR 15854E	Suspension	No Emergency	Expands FamilyCare to relatives of children receiving medical assistance with incomes of up to 400% FPL; picks up coverage for persons formerly receiving medical care under a federal State Children's Health Insurance Program waiver that expired 9/30/07. HFS repealed emergency rule.
1/11/08	HFS 89 IAC 140 31 IR 13570	Prohibition	Economic Impact	Authorizes medical assistance payment for routine examinations and preventive services for persons over 18 (currently children only). HFS refused to modify or withdraw; prohibition permanent.
1/11/08	DPH 77 IAC 975 31 IR 13672	Prohibition	Due Process	Implements Smoke Free Illinois Act. DPH refused to modify or withdraw; prohibition permanent.
2/13/08	HFS 89 IAC 147 32 IR 415	Suspension	No Emergency	Retools the Minimum Data System of determining reimbursement rates for medical assistance. HFS refused to modify or withdraw; suspension withdrawn.
2/26/08	HFS 89 IAC 120 31 IR 15424	Prohibition	Economic Impact	Expands FamilyCare to relatives of children receiving medical assistance with incomes of up to 400% FPL; picks up coverage for persons who have been receiving funds under the federal waiver that expired 9/30/07. HFS refused to modify or withdraw; prohibition permanent.
5/20/08	HFS 89 IAC 120 32 IR 7212	Suspension	Improper Use of Peremptory Rulemaking	Requires medical assistance recipients to meet TANF work requirements (FamilyCare). IAPA allows use of peremptory rulemaking to implement a court order. There was no court order. HFS refused to modify or withdraw; suspension permanent.
5/20/08	HFS 89 IAC 140 32 IR 6743	Suspension	Improper Use of Peremptory Rulemaking	Requires use of tamper-resistant prescription pads in order for a prescription to be eligible for Medicaid reimbursement. The IAPA deadline for implementing a federal requirement by peremptory rulemaking was exceeded. HFS failed to respond to objection; suspension permanent.
6/17/08	SBE 23 IAC 401 32 IR 4843	Suspension	No Emergency	Nonpublic and out-of-state providers of special ed services to students with disabilities must maintain a written policy that use of behavioral intervention strategies relying on pain will not be applied to any student. SBE repealed emergency rule.
9/16/08	SBE 23 IAC 401 32 IR 4705	Prohibition	Contravenes Statute	Nonpublic and out-of-state providers of special ed services to students with disabilities must maintain a written policy that use of behavioral intervention strategies relying on pain will not be applied to any student. SBE failed to respond to objection; deemed withdrawn.
11/19/08	HFS 89 IAC 120 32 IR 18889	Suspension	Improper Use of Peremptory Rulemaking	Requires medical assistance recipients to meet TANF work requirements (FamilyCare). IAPA allows use of peremptory rulemaking to implement a court order. There was no court order. HFS repealed peremptory rule.
11/19/08	DHS 89 IAC 121 32 IR 16905	Suspension	Improper Use of Peremptory Rulemaking	Implements provisions at the federal Food, Conservation and Energy Act of 2008 that made FS coupons obsolete after 6/18/08. DHS repealed peremptory rule.
3/17/09	HFS 89 IAC 140 32 IR 14003	Prohibition	Statutory Authority	HFS may deny participation in the medical assistance program to providers that owe a debt to HFS or if HFS receives credible evidence of fraud or willful misrepresentation under the medical assistance program. HFS modified; prohibition withdrawn.

6/16/09	HFS 89 IAC 140 32 IR 13761	Prohibition	Threat to the Public Interest	Describes group psychotherapy sessions eligible for medical assistance reimbursement. HFS modified; prohibition withdrawn.
6/16/09	DHS 89 IAC 686 33 IR 7017	Suspension	No Emergency	Implements enhanced rates to assist qualifying homemaker agencies providing healthcare coverage to their direct service employees. DHS repealed emergency rule.
7/14/09	DNR 17 IAC 3703 32 IR 14445	Prohibition	Economic Impact	Designates exclusion zones for run-of-river dams and sets specifications for signs and devices warning persons using public waters of the presence of dams. DNR refused to modify or withdraw; prohibition permanent.
9/15/09	DHS 89 IAC 112, 114 33 IR 5201, 5228	2 Prohibitions	Statutory Authority	Removes assets from consideration when determining an individual's eligibility for TANF and General Assistance. DHS withdrew.
9/15/09	DHS 59 IAC 270 33 IR 7054	Prohibition	Contravenes IAPA	Autism Research Fund grants. The rulemaking did not include sufficient grantmaking procedures and standards. DHS modified; prohibition withdrawn.
8/10/10	IEMA 32 IAC 330 33 IR 12061	Prohibition	Economic Impact	Exempts specified water and sewage treatment residuals or sludges containing naturally occurring radium from statutory registration, licensure, fee and reporting requirements and instead requires registration with IEMA. IEMA modified; prohibition withdrawn.
10/19/10	DFPR 68 IAC 1249 34 IR 5047	Prohibition	Economic Impact	Implements the Cemetery Oversight Act. DFPR withdrew.
4/12/11	SBE 23 IAC 30 34 IR 5047	2 Prohibitions	Statutory Authority	Establishes the Principal Preparation Program. SBE modified; prohibition withdrawn.
5/10/11	HFS 89 IAC 120 34 IR 11664	Prohibition	Statutory Authority/ Legislative Intent	Implements federal requirements for Medicaid eligibility for long term care assistance. HFS modified; prohibition withdrawn.
5/10/11	DFPR 50 IAC 8100 34 IAC 15926	Prohibition	Statutory Authority	Clarifies what activities will not be considered inducement for the referral of title insurance business. DFPR modified; prohibition withdrawn.
7/12/11	Treasurer 74 IAC 740 35 IR 8893	Suspension	No Legitimate Emergency	Revises administrative fee for participants in the Public Treasurers Investment Pool. Suspension withdrawn effective with adoption of modified permanent rule.
1/10/12	SOS 92 IAC 1001 35 IR 14916	Prohibition	Statutory Authority	BAIID exemption does not apply to a holder of a monitoring device driving permit using an employer's vehicle for personal use. SOS modified; prohibition withdrawn.
3/6/12	DPH 77 IAC 300 35 IR 9927	Prohibition	Lack of Clarity	Defines personnel delivering "direct care" for long term care facilities. DPH modified; prohibition withdrawn.

6/12/12	ICC 83 IAC 412	Prohibition	Statutory Authority	Sets requirements for retail electric suppliers' consumer education and protection programs providing for electric customer choice for residential or small retail commercial customers. ICC modified; prohibition withdrawn.
8/14/12	HFS 89 IAC 140.442(e)(4) 36 IR 11329	Suspension	Inappropriate Use of Emergency Rulemaking	In a SMART Act emergency rule, added antibiotics to medication types that do not require prior approval when a medical assistance recipient exceeds statutory limit of 4 prescriptions/mo. SMART Act did not address antibiotics. HFS modified; suspension withdrawn.
8/14/12	HFS 89 IAC 140.491 36 IR 11329	Suspension	Unauthorized Use of Emergency Rulemaking	Removed exemption from prior approval for transportation of medical assistance patients from one hospital to another to obtain services not available at the discharging hospital. While the extraordinary SMART Act emergency rulemaking authority was used, this change was not required by the SMART Act. HFS modified; suspension withdrawn.
8/14/12	HFS 89 IAC 148.70(g) 36 IR 10326	Suspension	Contravenes Federal Statute	Denies payment for entire hospital admission for medical assistance patients when a Medicare-defined hospital acquired condition occurs. HFS modified; suspension withdrawn.
8/14/12	HFS 89 IAC 148.140(b)(1)(F) 36 IR 10326	Suspension	Inappropriate Use of Emergency Rulemaking	Eliminates enhanced medical assistance payment rates for hospital-based physical therapy. This change was not required or authorized by the SMART Act, but HFS used SMART Act's emergency rulemaking authority. HFS modified; suspension withdrawn.
8/9/13	DOI 50 IAC 5421 36 IR 12957	Prohibition	Threat to the Public Interest	HMO deductibles/copayments must be waived when they exceed the annual maximum out-of-pocket expenses of a high deductible health plan set by the Affordable Care Act. Retaining the 50% cap on deductibles/copayments does not achieve the aim of permitting some HMO customers to obtain high deductible plans, as expressed by statute. DOI modified; prohibition withdrawn.
10/22/13	DNR 17 IAC 3000 37 IR 2843	Prohibition	Threat to the Public Interest/Economic Impact	Establishes a capital grant review system and sets a non-refundable application fee. The fees would create an untenable burden for the principal applicants – local governments and not-for-profits. DNR modified; prohibition withdrawn.
11/19/13	HFSRB 77 IAC 1110 37 IR 3982	Prohibition	Economic Impact	Requires an ASTC to submit to another HRSRB review to deliver services under a service approval already issued by HRSRB but under which the ASTC had not yet begun to implement services.
1/14/14	IGB 11 IAC 1800 37 IR 19882	Suspension	Statutory Authority	Created the Video Gaming Exclusion List and clarified that terminal operators must be licensed at the time they enter into use agreements. IGB repealed the emergency rule; suspension withdrawn.
1/14/14	HFS 89 IAC 147 38 IR 1205	Suspension	Threat to the Public Interest/Safety/ Welfare; Economic Impact	Effective 1/1/14, implemented PAs establishing enhanced rates for ventilator services and traumatic brain injury (TBI) care. Also implemented Resource Utilization Group (RUG) methodology for determining nursing care LTC reimbursement. HFS modified; suspension withdrawn.
6/17/14	DHS 89 IAC 501 37 IR 19437, 19457	Prohibition	Threat to the Public Interest	Updates the Part to clarify Partner Abuse Intervention Program (PAIP) requirements, application and approval procedures, DHS monitoring processes and evaluation procedures. DHS modified; prohibition withdrawn.
10/14/14	ICC 83 IAC 470 37 IR 20544	Prohibition	Threat to the Public Interest	Outlines procedures for local government electrical aggregation programs operated by retail electric suppliers. ICC modified; prohibition withdrawn.

8/11/15	DPH 77 IAC 775 38 IR 18346	Prohibition	Threat to Public Interest	Expands the Part to include procedures for DPH inspection and permitting of dairy farms that sell or distribute raw milk directly to consumers on their dairy farms. DPH modified; prohibition withdrawn.
11/13/18	PTAB 86 IAC 1910 42 IR 3862	Prohibition	Threat to the Public Interest	Prohibits any Illinois legislator from participating in Board proceedings by representing a taxpayer through any business entity, directly or indirectly, in any capacity other than a legislative capacity.
12/11/18	DFPR 68 IAC 1290 42 IR 23202	Suspension	Threat to the Public Interest	Implements a PA allowing Opioid Alternative Pilot Program participants to enter dispensaries and purchase medical cannabis with written certification from a physician. Although the PA gave DFPR emergency rulemaking authority, DFPR's emergency rule included amendments not addressed in the PA. JCAR suspended portions of this emergency rulemaking not directly attributable to PA 100-1114. The agency agreed to only keep those portions of the rule not suspended and filed those portions of the rule with SOS. At JCAR's 2/19/19 meeting, no further action was taken.
5/14/19	CDB 71 IAC 600 42 IR 21491	Prohibition	Agency could not address public comment	CDB proposed updating its incorporations of the International Energy Conservation Code (IECC) from the 2015 to the 2018 edition and revising the list of Illinois-specific exceptions to that Code. At its 5/14/19 meeting, JCAR objected to and prohibited filing of this rulemaking, finding that the adoption of this rulemaking would constitute a serious threat to the public interest, safety or welfare because the Board was unable to adequately address outstanding public comment. At this point, the Board had two vacant seats. CDB's inability to allow public commentators to present their concerns before a full Board placed the public commentators at a disadvantage, possibly leaving language in the rulemaking that would negatively impact most persons or entities constructing or remodeling a residential or commercial building in Illinois. At the vote, Co-Chair Harmon noted that this was a procedural prohibition designed to give the newly constituted CDB a chance to consider this rulemaking. The motion passed unanimously (10-0-0). CDB presented this rulemaking to the CDB Board for reconsideration at its 5/14/19 meeting, at which both of the groups commenting on the unresolved issue provided comment. The Board voted to reflect provisions initially recommended by the Illinois Energy Conservation Advisory Council but removed by the previous CDB Board. In response, CDB submitted modifications to the rule, contingent upon which JCAR lifted the prohibition at the 6/11/19 meeting.
9/17/19	IGB 11 IAC 1800 43 IR 9261	Suspension	Improper Use of Emergency Rulemaking	IGB adopted an emergency rule authorizing progressive jackpot games, expanding video gaming to large truck stops, and making several other statutorily required changes. At its 9/17/19 meeting, JCAR objected to and suspended all of the emergency rule except for the progressive jackpot provisions, for which automatic emergency rulemaking authority was granted by PA 101-31, because Section 78 of the Video Gaming Act [230 ILCS 40], which granted emergency authority for the initial adoption of Part 1800, cannot be reused to validate emergency rulemaking for subsequent changes to that Part. IGB agreed to no longer invoke Sec. 78 of the VG Act as its authority to use emergency rulemaking. At its 12/17/19 meeting, JCAR withdrew this suspension on the emergency rule contingent upon and effective with IGB's adoption of the permanent rulemaking, which JCAR was also considering at that meeting.

11/12/19	IGB 11 IAC 1800 43 IR 13464	Suspension	Improper Use of Emergency Rulemaking	IGB adopted an emergency rule requiring transfers of ownership interests in terminal operators to be approved by IGB. JCAR objected to and suspended this emergency rule because IGB failed to adequately show the existence of an emergency that warrants immediate adoption of the rule changes without the public comment and review opportunities afforded by the use of proposed rulemaking. JCAR found that this use of emergency rulemaking constituted a threat to the public interest. IGB responded that, if JCAR withdrew its Suspension, IGB would amend the emergency rule based on its discussions with interested parties to limit application of the emergency rule to licensees who have had disciplinary actions imposed by IGB. In further discussions with JCAR, IGB decided also to provide that it would take action on ownership transfers by disciplined licensees within 2 meetings after the disciplinary action takes place. Based on these amendments, JCAR withdrew its Suspension at its 2/18/20 meeting, contingent upon, and effective with, IGB's adoption of these amendments.
5/20/20	SOS 14 IAC 150, 160, 166, 178 44 IR 7944, 7951, 7956, 7961	Suspension	Contravention of statute	SOS adopted emergency rules extending the statutory deadlines by which SOS is to review, approve and effectuate official paper filings of documents by businesses. JCAR objected to and suspended these emergency rules because the deadlines being extended were statutory. Throughout the COVID-19 emergency period, any statutory requirements that needed to be set aside were waived by Executive Order and only then reflected in emergency rule. Rule cannot alter statute unless the statute specifically allows an agency to modify its requirements through rule. In response, SOS sought and received Executive Order 2020-39 (extended by EO 2020-44, 48, 52, 55, 59, 71 and 74), which waived the statutory requirements. JCAR withdrew its Suspension at its 8/11/20 meeting.
8/18/21	DFPR 68 IAC 1291 45 IR 9586	Suspension	Improper use of emergency rulemaking	DFPR adopted emergency rules establishing a Responsible Vendor Program (RVP) through which cannabis dispensing organization employees receive training in cannabis-related operating requirements. JCAR objected to and suspended the Subpart of the emergency rules pertaining to the RVP because there was no valid emergency and they should have been adopted using general rulemaking. DFPR modified the emergency rule by removing the RVP Subpart. JCAR withdrew its Suspension at its 9/14/21 meeting.
8/18/21	DOR 86 IAC 131 45 IR 9625	Suspension	Improper use of emergency rulemaking; failure to consider economic impact	DOR adopted emergency rules clarifying the different types of retailers subject to the provisions of the Leveling the Playing Field for Illinois Retail Act. Some of these changes appeared to change tax obligations in the middle of the tax year. JCAR objected to and suspended these emergency rules because DOR failed to provide an adequate explanation in writing of the emergency situation that warranted immediate adoption of this rule without public comment, limit the rule to matters that are required to meet the emergency situation, produce a rulemaking that complies the statutory authority upon which it is based, or consider the economic effects of the rules upon those regulated. DOR agreed to remove the non-emergency portions of the emergency rule and clarify the timetable surrounding changes in tax obligations. JCAR withdrew its Suspension at its 9/14/21 meeting.
2/15/22	DPH 77 IAC 690 46 IR 3434	Suspension	Agency has not taken steps to make emergency rule	DPH adopted (for the 2 nd time) emergency rules implementing 2 Executive Orders establishing COVID-19 protocols for K-12 schools that excluded from school premises students and staff who tested positive for COVID-19, showed symptoms, or were close contacts of a confirmed or

			known to affected public	probable case. These rules also stated that masking, vaccination and testing requirements and exclusion from school were not “isolation or quarantine” as defined in the DPH Act and did not require enforcement by a local health department or court order. Previous emergency rules had been the subject of legal action and a temporary restraining order. JCAR objected to and suspended these emergency rules because DPH failed to clearly state whether they were intended to apply to all K-12 schools in Illinois, or only to schools and school districts that were not parties to the legal action. DPH had not clarified this point either in the rule itself or in the Notice of Emergency Rulemaking. The Executive Orders were allowed to expire on 3/3/22 and DPH repealed the emergency rules on 4/22/22.
7/18/23	DCFS 89 IAC 407 47 IR 8756	Suspension	Imposes unreasonable and unnecessary costs; agency created emergency; failure to consider economic impact	DCFS adopted emergency rules (reflecting COVID-era policy/guidance) allowing a qualified early childhood assistant age 18+ to supervise a day care center classroom in which all children are age 2 or older, without an early childhood teacher present, subject to additional restrictions. JCAR objected to and suspended portions of the emergency rule because they imposed new restrictions on the use of early childhood assistants that previous emergency rules and DCFS guidance did not include. By limiting the times of day when assistants can substitute for teachers and the number and age range of classrooms that can be supervised by assistants, this rule imposes unreasonable and unnecessary economic costs on day care providers, many of whom have relied on this policy for the past 3 years and may be forced to curtail their hours or reduce their number of classrooms as a direct result of this emergency rule. DCFS did not change or withdraw the emergency rule, which it said was necessary to enable day cares to continue to operate while also ensuring the safety of children. At its 10/17/23 meeting, JCAR issued a Notice of Failure to Remedy. The emergency rule was replaced by a permanent rulemaking effective 10/29/23.
7/16/24	DHS 89 IAC 509 48 IR 2769	Prohibition	Inadequate rationale for allowable and unallowable cost restrictions; lack of standards for agency discretion	DHS proposed amendments to its general rules regarding grant awards. After negotiating a number of 2 nd Notice changes, the agency and JCAR reached an impasse regarding allowable and unallowable travel costs, which had been an issue for some grantee agencies. At its 7/16/24 meeting, JCAR objected to, and prohibited the filing of, the rulemaking because the Department has not provided adequate rationale for allowable and unallowable cost restrictions as required by 1 Ill. Adm. Code 220.900(a)(2)(A). Also, no standards for agency discretion were present as required by 1 Ill. Adm. Code 220.900(a)(1)(B). After further negotiation, DHS agreed to state that travel cost reimbursement could not be categorically denied based on factors such as distance or cost per traveler, unless specified in the original Notice of Funding Opportunity, and to provide the grantee a written explanation (upon request) of any cost reimbursement that is denied. At its 9/10/24 meeting, JCAR lifted the Filing Prohibition contingent upon and effective with DHS adopting the agreed upon language.