

THE FLINN REPORT

ILLINOIS GENERAL ASSEMBLY JOINT COMMITTEE ON ADMINISTRATIVE RULES

Elaine Spencer, Editor

VOLUME 49

ISSUE 24

June 13, 2025

The Flinn Report is a weekly summary of regulatory actions of State agencies published in the *Illinois Register* and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules (JCAR). The Flinn Report honors founding JCAR member Representative Monroe Flinn, and is designed to inform and involve the public in changes taking place in agency administration.

Proposed Rulemakings

• VEHICLE SAFETY INSPECTIONS

The DEPARTMENT OF TRANSPORTATION proposed amendments to Administrative Requirements for Official Testing Stations (92 IAC 451; 49 Ill Reg 8127) expanding the scope of the Part to include Official Mobile Safety Testing Companies (OMSTCs) that can perform safety testing on trucks, truck tractors, trailers, semitrailers, and buses engaged in interstate commerce, in accordance with federal inspection standards. OMSTCs that are open to the public may only perform testing at the vehicle owner's place of business while private OMSTCs (established by private companies to test only the company's own vehicles) may perform testing at the location operated by the permitted owner or wherever the company's vehicles are housed. To obtain the required permit from DOT, Official Testing Stations (OTS) and OMSTCs must request the permit by e-

mail and undergo an inspection, after which they may file an application for a permit, accompanied by a \$50 application fee and a \$10,000 bond. OTS permit applicants must submit digital photos of their testing lanes, while OMSTC applicants must submit digital photos of their physical business address and the make,

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model, license plate number and Vehicle Identification Number of each vehicle that will be used to perform safety tests. Permits are valid for 12 months and renewable with a \$50 fee. Permits issued to a State, city, county or other governmental agency are exempt from all fees and from the bond requirement. A permit holder whose permit is revoked due to serious violations of DOT rules may not apply for a new permit within 12 months after the revocation. A

company that operates its own private OTS or OMSTC must have at least 75 vehicles in its fleet or perform at least 75 inspections per year, otherwise its permit will be cancelled. An OMSTC must, with at least 48 hours' notice, provide to DOT upon request a list of the vehicles it is scheduled to test, the date and time of the tests, and the names and business addresses of the vehicles' owners. The rulemaking also establishes new door and lane size requirements for new OTSs that are issued permits on or after 7/1/25; updates requirements for OTS/OMSTC owners and Certified Safety Testers (CSTs); updates specifications for Certificates of Safety (COS) applied after vehicles pass inspection and for Vehicle Inspection Reports; and repeals an Appendix that specifies authorized inspection equipment by type and brand. Those affected by this rulemaking include owners and employees of Official Testing Stations

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ADOPTED RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Temporary rules adopted for no more than 150 days.

PROPOSED RULEMAKINGS: Rules proposed by agencies this week, commencing a First Notice public comment period of at least 45 days.

PEREMPTORY RULES: Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.

▪ - Designates rules of special interest to small businesses, small municipalities and/or non-profit organizations. Agencies must consider comments from these groups and attempt to minimize regulatory burdens on them.

QUESTIONS/COMMENTS: Submit mail, e-mail or phone calls to the agency personnel listed below each summary.

RULE TEXT: First Notice proposed text, emergency rule and peremptory rule text is available at the Secretary of State website (<https://www.ilsos.gov/departments/index/register/home.html>) or at the Illinois General Assembly website (<http://www.ilga.gov>) under "Illinois Register". Second Notice text for proposed rulemakings (original version with any changes made by the agency during First Notice included) is available at the JCAR website.

Proposed Rulemakings

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and mobile safety testing companies and businesses which own vehicles that are subject to safety inspections.

Questions/requests for copies/comments through 7/28/25: Julita Kuzminaite, DOT, 2300 S. Dirksen Parkway, Room 313, Springfield IL 62764, 217-524-2638, DOT.AdminRules@illinois.gov

HOSPITALS

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Hospital Licensing Requirements (77 IAC 250; 49 Ill Reg 8063) that update notification requirements for emergency personnel, including police, firefighters, emergency medical technicians, and other ambulance personnel, who are exposed to a patient diagnosed at the hospital with a dangerous communicable or infectious disease. The rulemaking requires hospitals to notify these personnel within 48 hours (currently 72 hours) after the patient is diagnosed. Communications concerning these cases shall be treated as confidential medical records. Notification letters sent to a public or private ambulance provider shall list affected ambulance crew members and the communicable disease to which they were exposed, but shall not include the patient's name. Guidelines promulgated by the National Institute for Occupational Safety and Health (NIOSH) are replacing the current list of specific diseases for which notification is provided to emergency personnel. When a patient with a communicable disease requiring specific precautions (including gastrointestinal infections such as norovirus, C. diff. or

IMMIGRANT HEALTHCARE

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted emergency amendments to Special Eligibility Groups (89 IAC 118; 49 Ill Reg 8261) effective 6/1/25 for a maximum of 150 days, replacing identical emergency amendments that were effective 1/2/25. (A companion proposed rulemaking appeared in the 3/21/25 *Illinois Register* at 49 Ill Reg 3418 and is on the June 17 JCAR meeting agenda.) These amendments continue eligibility criteria for the Health Benefits for Immigrant Adults (ages 42-64) and Health Benefits for Immigrant Seniors (age 65+) programs that exclude U.S. citizens and legal permanent residents. (Legal U.S. residents of 5 years or more may qualify for Medicaid.)

Questions/requests for copies: Kathy Muse, HFS, 201 S. Grand Ave. East, 3rd Floor, Springfield IL 62763-0002, 217-782-1233, HFS.Rules@illinois.gov

shigellosis) is discharged, the hospital must advise any emergency personnel who will be transporting the patient of precautions to be taken against transmission, without naming the specific disease. The rulemaking also requires hospitals to meet federal Centers for Medicare and Medicaid Services requirements for hospital emergency preparedness; these requirements are replacing the specific emergency preparedness, disaster and mass casualty plan criteria currently listed in rule. Other changes include clarifications and updates of rules concerning surgical staff, operating room and anesthesia procedures, and on-site pharmacies; adding a statutory requirement that medical records be kept for at least 10 years, or up to 12 years if there is litigation involving a patient's record; and updates of incorporated and referenced documents, including federal regulations and Centers for Disease Control and Prevention (CDC) guidelines, to the most recent editions.

Questions/requests for copies/comments through 7/28/25: Tracey Trigillo, DPH, 524 S. Second St.,

Emergency Rule

6th Floor, Springfield IL 62701, 217-782-1159, dph.rules@illinois.gov

EARLY INTERVENTION

The DEPARTMENT OF HUMAN SERVICES proposed amendments to Early Intervention Program (89 IAC 500; 49 Ill Reg 8044) that expand the definition of "eligible child" to include children up to age 3 who are the subject of a substantiated case of child abuse or neglect (in addition to children with developmental delays or conditions placing them at risk of developmental delays). The rulemaking also amends the definition of "extended services" (services covering a gap between the child's 3rd birthday and the start of their first year in preschool) in accordance with the federal Individuals with Disabilities Education Act (IDEA) to include children who have Individualized Education Programs (IEPs).

Questions/requests for copies/comments through 7/28/25: Tracie Drew, DHS, 100 S. Grand Ave. East, Harris Building, 3rd Floor, Springfield IL 62762, 217-785-9772, DHS.AdministrativeRules@illinois.gov

Adopted Rules

▪ DEVELOPMENT LOANS

The OFFICE OF THE STATE TREASURER adopted a new Part titled Community Development Loan Guarantee Program (74 IAC 715; proposed at 49 Ill Reg 1257) effective 5/29/25 at 49 Ill Reg 8246, implementing provisions of the Community Development Loan Guarantee Act [15 ILCS 516] to guarantee loans for small businesses that would not otherwise qualify for business loans and are located in low-income communities that have been historically excluded from investment opportunities. Up to \$10 million in State Treasury investment earnings may be allocated to the program annually, but no more than \$50 million may be used at any given time to guarantee loans. For the purposes of this Part, a small business is a business (other than those involved in investment real estate, tobacco, adult entertainment, or gambling) operating in Illinois with fewer than 500 employees at the time of application; qualifying small businesses must be located in a low-income community as determined by poverty rates or median income. The Treasurer will establish loan guarantee accounts at designated program depositories, which must be State- or federally-chartered banks authorized to conduct business in Illinois. Participating financial institutions that approve and manage loans to eligible businesses must submit a \$1,000 application fee to the Treasurer, must have a rating of "outstanding" or "satisfactory" under the Illinois Community Reinvestment Act (CRA), or be credit unions that do not yet have a CRA rating, and meet other criteria for financial soundness. Once approved, each participating financial institution will be allocated up to \$1 million in loan guarantees, based on the availability of funds, and must allocate all their loan guarantees

within 1 year. Loans to qualifying businesses may be guaranteed for up to 25% of the loan amount for a maximum of 5 years, and may not be used to refinance existing debt. Participating financial institutions must submit annual reports to the Treasurer concerning their guaranteed loans. Other provisions establish information to be provided by business loan applicants, participating financial institutions, and program depositories. Those affected by this rulemaking include small businesses, community banks and credit unions in low-income communities.

Questions/requests for copies: Sara Meek, Office of the State Treasurer, 219 State House, Springfield IL 62706, 217-836-0030, fax 217-782-2777, e-mail: SMeek@illinoistreasurer.gov

MANAGED CARE

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted an amendment to Medical Payment (89 IAC 140; proposed at 49 Ill Reg 288) effective 5/27/25 at 49 Ill Reg 8201, implementing a provision of the FY25 Medicaid Omnibus legislation that changes the procedure for annually adjusting HFS' assessments on Managed Care Organizations (MCOs). Instead of setting specific assessment rates in rule each year, the rulemaking states that HFS will adjust either the rates or the tier parameters (based on enrollment numbers and Medicaid MCO status) in order to maximize the revenue generated by the assessment consistent with federal regulations, and to meet federal statistical tests necessary for federal financial participation. Upward adjustments to the Tier 3 rate (non-Medicaid MCOs) must be the minimum necessary to meet federal statistical tests. Since 1st Notice, HFS has clarified how MCOs

will be notified of their assessment rates.

Questions/requests for copies: Kathy Muse, HFS, 201 S. Grand Ave. East, 3rd Floor, Springfield IL 62763-0002, 217-782-1233, HFS.Rules@illinois.gov

DISABILITY ACCESS

The DEPARTMENT OF HUMAN SERVICES adopted amendments to the Part titled Recipient Rights (59 IAC 111; proposed at 49 Ill Reg 1744) effective 5/30/25 at 49 Ill Reg 8228, updating Sections that concern mental health and developmental disability facility services for persons with hearing loss and non- or limited-English speaking individuals. The rulemaking updates statutory citations and definitions, adds references to licensed interpreters for persons with hearing loss, and makes technical corrections.

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

▪ SPECIES CONSERVATION

The DEPARTMENT OF NATURAL RESOURCES adopted an amendment to the Part titled Incidental Taking of Endangered or Threatened Species (17 IAC 1080; proposed at 49 Ill Reg 1392) effective 5/28/25 at 49 Ill Reg 8241, updating the procedures for giving public notice of a conservation plan that must be filed with DNR when a construction, land management or other project will result in incidental taking of an endangered or threatened species. Notice of a completed conservation plan must be published in a local newspaper of

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Adopted Rules

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general circulation in the affected area at least once a week for 3 consecutive weeks, with at least 13 (previously 14) days between the first and last

publications of the notice. The notice must also be published in the official State newspaper within 7 business days of (formerly, concurrent with) its first publication in a local newspaper. Businesses, municipalities, and non-profits that file conservation plans are affected.

Questions/requests for copies: Nicole Thomas, DNR, One Natural Resources Way, Springfield IL 62702, 217-782-1809, dnr.rules@illinois.gov

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. The DCFS rulemakings will be considered at the June 17, 2025 meeting in Chicago. All other listed rulemakings will be considered at the July 8, 2025 meeting, also in Chicago. Other items not published in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning these rulemakings should be addressed to JCAR at jcar@ilga.gov.

DEPT OF CHILDREN AND FAMILY SERVICES

Licensing Standards for Group Day Care Homes (89 IAC 408; 49 Ill Reg 4826) proposed 4/11/25

Relative Home Certification (89 IAC 415; 49 Ill Reg 3639) proposed 3/28/25

DEPT OF REVENUE

Hotel Operators' Occupation Tax Act (86 IAC 1105; 49 Ill Reg 3844) proposed 4/4/25

STATE BOARD OF ELECTIONS

Cyber Navigator Program (26 IAC 213; 49 Ill Reg 3707) proposed 3/28/25

Joint Rules of the State Board of Elections and the Department of Employment Security: Automatic Voter Registration (26 IAC 310; 49 Ill Reg 4915) proposed 4/18/25

DEPT OF EMPLOYMENT SECURITY

Joint Rules of the State Board of Elections and the Department of Employment Security: Automatic Voter Registration (26 IAC 311; 49 Ill Reg 4925) proposed 4/18/25

Access to Records of the Department of Employment Security (2 IAC 1301; 49 Ill Reg 4919) proposed 4/18/25

General Application (56 IAC 2712; 49 Ill Reg 4928) proposed 4/18/25

Claims, Adjudication, Appeals and Hearings (56 IAC 2720; 49 Ill Reg 4934) proposed 4/18/25

Administrative Hearings and Appeals (56 IAC 2725; 49 Ill Reg 4943) proposed 4/18/25

Employment (56 IAC 2732; 49 Ill Reg 4949) proposed 4/18/25

Notices, Records, Reports (56 IAC 2760; 49 Ill Reg 4955) proposed 4/18/25

Payment of Unemployment Contributions, Interest and Penalties (56 IAC 2765; 49 Ill Reg 4961) proposed 4/18/25

Employees' General Rights and Duties (56 IAC 2815; 49 Ill Reg 4967) proposed 4/18/25

Payment of Benefits (56 IAC 2830; 49 Ill Reg 4971) proposed 4/18/25

Claimant's Availability For Work, Ability to Work and Active Search for Work (56 IAC 2865; 49 Ill Reg 4977) proposed 4/18/25

Next JCAR Meeting: Tuesday, June 17, 11 a.m.

Room C-600, Bilandic Bldg., 160 N. La Salle, Chicago

Meeting will be live streamed on the JCAR website

Joint Committee on Administrative Rules

Senator Bill Cunningham, Co-Chair

Senator Cristina Castro

Senator Donald DeWitte

Senator Dale Fowler

Senator Napoleon Harris, III

Senator Sally Turner

Representative Ryan Spain, Co-Chair

Representative Eva-Dina Delgado

Representative Jackie Haas

Representative Steven Reick

Representative Curtis Tarver, II

Representative Dave Vella

Kim Schultz, Executive Director ■ Kevin Kulavic, Deputy Director

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