

# THE FLINN REPORT

## ILLINOIS GENERAL ASSEMBLY JOINT COMMITTEE ON ADMINISTRATIVE RULES

Elaine Spencer, Editor

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

## Proposed Rulemakings

### PRISON MAIL

The DEPARTMENT OF CORRECTIONS proposed amendments to Rights and Privileges (20 IAC 525; 49 Ill Reg 12567) that will, upon adoption, replace emergency amendments effective 8/14/25 at 49 Ill Reg 10945. These amendments change references to "offenders" to "individuals in custody" throughout the Part, and update DOC procedures for processing incoming mail and for reception of publications such as books, magazines, newspapers, pamphlets and newsletters. DOC states that these rules are intended to prevent smuggling of contraband, hazardous substances, and other prohibited substances or materials into correctional facilities.

### Electronic Mail Processing

The rulemaking authorizes DOC to process incoming mail by electronically scanning the contents and making digital copies or

photocopies of the enclosed material (electronic mail processing). These copies may then be provided to the individuals to whom they are addressed in print form (mail copy processing) or electronically. The Director of DOC may allow mail to bypass this process if an item poses no material security risk or if delivery of the original copy is required by State

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**No Second Notices This Week**

or federal law. Original copies of mail that is digitized or photocopied via electronic mail processing shall be retained for at least 6 months, unless the mail becomes the subject of a grievance, in which case it must be retained until the grievance process ends.

### Privileged Mail

The rule also adds DOC's Prison Rape Elimination Act (PREA) and Americans With Disabilities Act (ADA)

Coordinators, foreign consular personnel, and rape crisis centers that have a memorandum of understanding with the facility to the list of persons and organizations who may send privileged mail (not subject to inspection by facility staff) to individuals in custody. Incoming privileged mail must be clearly marked with the name and address of the sender and be marked with "privileged", "confidential", "legal mail", "attorney correspondence" or another term indicating its privileged status. Legal mail will now include mail to or from the U.S. Department of Justice or from U.S. Attorneys. Security measures for incoming privileged mail must preserve the confidential nature of the communication and cannot include copying, scanning, imaging or reproducing such mail in any form. Permissible verification and security procedures for incoming privileged

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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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mail include, but are not limited to, use of a sender ID number and control number obtained from DOC's Multi-Factor Authentication Mail System website, or use of screening technology that detects contraband without reading, retaining or reproducing any written correspondence contained therein.

## Publications

Publications may only enter a facility through the mailroom, except for publications intended for the facility library, approved adult education or vocational services programs, or religious programs. These publications may be implemented into a program provided they are free from contraband and do not violate standards for publication review. An individual in custody may retain publications already in their personal possession upon transfer to another DOC facility. Individuals in custody may receive, request or purchase publications directly from the publisher, but cannot receive damaged or altered publications. All used books shall be assessed for damage or alteration before being given to an individual. Used books containing notes, pictures, and writings outside of their original state are prohibited. Relatives or friends are no longer permitted to solicit or purchase publications on behalf of an individual in custody or to bring approved publications to a DOC facility (previously, they could bring up to 5 approved publications per visit provided they were not packaged, wrapped or contained in any way).

## Publication Review

Each facility shall appoint two employees as publication review

officers, who will be responsible for reviewing publications received by individuals in custody. Publications may be disapproved, or approved conditionally, by the publication review officers if they contain sexually explicit material; are written in code or facilitate communication between individuals in custody; depict, describe or encourage "activities that may lead to the use of physical violence or group disruption", or "facility organizational activity" without the approval of the chief administrative officer (warden) of the facility; advocate, encourage, instruct, or facilitate criminal activity, violence, hatred or group disruption; or are otherwise detrimental to safety, security, good order, rehabilitation, discipline or mental health. Publications may not be disapproved solely because they contain religious, philosophical, political, social or sexual content or because the content is "unpopular or repugnant".

DOC shall also appoint a Central Publication Review Committee that will maintain a Statewide Publications Determination List of approved publications. Any publication that is listed as "approved" on the statewide list shall be delivered promptly to an individual in custody, provided that it has not been altered from its original format. Publication review officers at a facility must review any publication that is listed as disapproved or approved conditionally, or that is not included on the statewide list, before it may be delivered to an individual in custody.

*Questions/ copies/comments through 11/24/25: Glen Austin, DOC, 1301 Concordia Court, PO Box 19277, Springfield IL 62794, 217-786-6904, [DOC.ProposedRulemaking@illinois.gov](mailto:DOC.ProposedRulemaking@illinois.gov)*

## LIFE CARE FACILITIES

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Life Care

Facilities Contract Code (77 IAC 396; 49 Ill Reg 12620) implementing Public Acts 103-119, 103-332, and 103-0812. This rulemaking adds a new Subpart instituting rules for at-home continuing care programs, in which at-home care is included in the contract and entrance fee along with access to the provider's facilities (assisted living, skilled nursing care, etc.) when needed.

## At-Home Continuing Care

Providers of at-home continuing care must be certified and registered with DPH in a two-step process. A preliminary certificate of registration will be issued if the provider has a reasonable financial plan, including a plan for the number of contracts to be executed before operations begin; a marketing plan and supporting actuarial forecast; and if DPH determines that the provider's advertising and promotional materials are not deceptive or misleading. An at-home continuing care provider must receive a preliminary certificate of registration before it can begin entering contracts with consumers. Once the provider has executed the required number of contracts and obtained any other licenses or certifications necessary to provide at-home care, DPH will issue a full certificate of registration, which must be renewed every 2 years. Employees of an at-home continuing care provider must be certified or licensed for the level of care they are providing.

## Disclosures

The rulemaking also specifies the form and content of pre-sale disclosures, which must be provided to prospective consumers prior to their signing a contract or paying an entrance fee. The pre-sale disclosure must state that the timing of entry fee refunds provided to past residents "may not be indicative of your refund

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experience" and that collection of the full entry fee upon death or departure from the life care facility "may be modified or nullified" due to market factors, a future sale of the provider organization, or bankruptcy of the provider organization. The disclosure shall also state, for refunds made in the most recently completed calendar year, the average and median wait time (in months) for refunds, and the percentage of contracts with refund wait times of more than 24, 36, or 60 months as of the end of the previous calendar year. Disclosures must be made available to current residents, former residents still awaiting entry fee refunds, and the estates of former residents who are still owed refunds. Failure to provide a pre-sale disclosure with the prescribed content is a violation with a minimum penalty of \$500.

## Other

Other provisions require posting of contact information for the State Long Term Care Ombudsman Program; require life care facilities to provide employee assistance programs and provide influenza and pneumonia vaccinations to residents; allow life care facilities to apply for permits electronically; require life care providers to include short-term assets and liabilities in their financial disclosure statements; and state that permits will not be issued to any provider whose contract form enclosed as an exhibit with the permit application fails to state that the individual entering the contract has 14 calendar days from the date of signing the contract, paying the entrance fee, or receiving the financial disclosure statement, whichever occurs last, to rescind the contract. In addition to the

statutory requirements from these Public Acts, the rulemaking makes other changes to align the Code with the Life Care Facilities Act and current Department procedures. Residents of life care facilities are affected.

*Questions/requests for copies/comments through 11/24/25: Tracey Trigillo, DPH, 524 S. Second St., 6<sup>th</sup> Floor, Springfield IL 62701, 217-782-1159, [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)*

## DISABILITY PARKING

The SECRETARY OF STATE proposed amendments to Rules of the Road - Persons With Disabilities Parking Program (92 IAC 1100; 49 Ill Reg 12647) implementing Public Act 104-88, which extends disability parking plate and placard certification from 4 to 5 years and allows SOS to begin issuing 5-year plates and placards to holders upon expiration of their current 4-year plates/placards. The rulemaking also allows applicants who do not have an Illinois driver's license or identification card to use a valid identification number issued by the U.S. military, or a federally issued Medicare or Medicaid ID number, on their application in lieu of a driver's license or state ID card number. A person with a disability who has no valid identification or vehicle registered in their name may submit the ID card number of their parent or legal guardian instead.

*Questions/requests for copies/comments through 11/24/25: Pamela Wright, SOS, 298 Howlett Building, Springfield IL 62756, 217-785-3094, [pwright@ilsos.gov](mailto:pwright@ilsos.gov)*

## • LABOR RELATIONS

The ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD proposed amendments to Collective Bargaining and Impasse Resolution (80 IAC 1130; 49 Ill Reg 12603) implementing an

amendment to the Illinois Educational Labor Relations Act. The rulemaking institutes procedures to be followed for mediation and arbitration when an impasse is reached in a labor dispute between a public school district and an exclusive bargaining representative representing educational employees who are legally forbidden from going on strike. School districts may be affected by this rulemaking.

*Questions/requests for copies/comments through 11/24/25: Ellen Maureen Strizak, IELRB, 160 N. LaSalle St., Suite N-400, Chicago IL 60601-3103, 312-793-3170, [ellen.strizak@illinois.gov](mailto:ellen.strizak@illinois.gov)*

## SPECIAL EDUCATION

The STATE BOARD OF EDUCATION proposed amendments to the Part titled Enrollment Of and Payment For Nonresident Students at the Philip J. Rock Center and School (23 IAC 600; 49 Ill Reg 12594) that allow the State Superintendent to calculate a per diem rate for non-Illinois resident students only when necessary, instead of requiring that a rate be calculated every fiscal year. The Philip J. Rock Center and School (PRC) in Glen Ellyn, a residential school for visually and hearing impaired and deafblind students ages 3-21, has been open to non-resident students since 2015 but none have enrolled. If PRC needs to determine a non-resident per diem rate, the school shall request a rate determination no later than May 31 of the fiscal year for which this rate is being calculated, and the State Superintendent shall determine and notify PRC of this rate no later than June 30 of that fiscal year.

*Questions/requests for copies/comments through 11/24/25: Azita Kakvand, SBE, 555 W. Monroe St., Suite 900, Chicago IL 60661, 312-783-2757, [rules@isbe.net](mailto:rules@isbe.net)*

# Adopted Rules

## HEALTH INSURANCE

The DEPARTMENT OF INSURANCE adopted amendments to Navigator, In-Person Counselor and Certified Application Counselor Certification (50 IAC 4515; proposed at 49 Ill Reg 7753) effective 9/26/25 at 49 Ill Reg 12657, implementing provisions of Public Act 103-0103 concerning the transition from a federal to a State-based health insurance exchange. The rulemaking establishes training standards for persons who apply to become Navigators, In-Person Counselors or Certified Application Counselors to complete an Illinois-specific education curriculum with specified course topics and content. Successful completion of a course is defined as passing the final exam with a score of 80% or higher with no more than 3 attempts. The rulemaking also removes a requirement for fingerprinting of Navigators and In-Person Counselors and the requirement for applicants or certificate holders to maintain their principal place of business in Illinois (since neither of these conditions is required by federal law or regulation).

*Questions/requests for copies: Carol West, DOI, 115 S. LaSalle St., 13<sup>th</sup>*

*Floor, Chicago IL 60603, 312-814-8209, [carol.west@illinois.gov](mailto:carol.west@illinois.gov)*

## IEPA CONTACT INFO

The POLLUTION CONTROL BOARD adopted amendments to the following 15 Parts, all effective 9/23/25: General Rules (35 IAC 101; proposed at 49 Ill Reg 5681, adopted at 49 Ill Reg 12670), Pretreatment Programs (35 IAC 310; proposed at 49 Ill Reg 5693, adopted at 49 Ill Reg 12682), Permits (35 IAC 502; proposed at 49 Ill Reg 5702, adopted at 49 Ill Reg 12691), Groundwater Quality (35 IAC 620; proposed at 49 Ill Reg 5707, adopted at 49 Ill Reg 12696), UIC Permit Program (35 IAC 704; proposed at 49 Ill Reg 5718, adopted at 49 Ill Reg 12707), Identification and Listing of Hazardous Waste (35 IAC 721; proposed at 49 Ill Reg 5726, adopted at 49 Ill Reg 12715), Standards for Universal Waste Management (35 IAC 733; proposed at 49 Ill Reg 5737, adopted at 49 Ill Reg 12726), Standards for the Management of Used Oil (35 IAC 739; proposed at 49 Ill Reg 5748, adopted at 49 Ill Reg 12736), Tiered Approach to Corrective Action Objectives (35 IAC 742; proposed at 49 Ill Reg 5758, adopted at 49 Ill Reg 12746), Solid Waste (35 IAC 807; proposed at 49 Ill Reg 5773,

adopted at 49 Ill Reg 12761), Standards for New Solid Waste Landfills (35 IAC 811; proposed at 49 Ill Reg 5781, adopted at 49 Ill Reg 12769), Site-Specific Closures of Coal Combustion Waste Surface Impoundments (35 IAC 840; proposed at 49 Ill Reg 5793, adopted at 49 Ill Reg 12781), Management of Used and Waste Tires (35 IAC 848; proposed at 49 Ill Reg 5799, adopted at 49 Ill Reg 12786), Procedures for Reporting Releases of Radionuclides at Nuclear Power Plants (35 IAC 1010; proposed at 49 Ill Reg 5806, adopted at 49 Ill Reg 12793) and Drycleaner Environmental Response Trust Fund Program (35 IAC 1501; proposed at 49 Ill Reg 5811, adopted at 49 Ill Reg 12798). These amendments update the street address of the Illinois Environmental Protection Agency's Springfield headquarters. Since 1<sup>st</sup> Notice, PCB has added the new address instead of referencing the address posted at the IEPA website.

*Questions/requests for copies of the 15 PCB rulemakings: Clerk's Office, PCB, 60 E. Van Buren, Suite 630, Chicago IL 60605, 312-814-3621, [don.brown@illinois.gov](mailto:don.brown@illinois.gov). Please reference Docket R25-23.*

**Next JCAR Meeting: Tuesday, Oct. 14, 10:30 a.m.**

Room C-1, Stratton Bldg., 401 S. Spring St., Springfield

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

700 Stratton Office Building, Springfield IL 62706

217-785-2254 ■ [jcar@ilga.gov](mailto:jcar@ilga.gov)