

# THE FLINN REPORT

ILLINOIS GENERAL ASSEMBLY  
JOINT COMMITTEE ON ADMINISTRATIVE RULES

Elaine Spencer, Editor

VOLUME 50

ISSUE 2

January 9, 2026

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.

## Emergency Rule

### HOSPITALS

The DEPARTMENT OF PUBLIC HEALTH adopted emergency amendments to Hospital Licensing Requirements (77 IAC 250; 50 Ill Reg 401) effective 1/1/26 for a maximum of 150 days. An identical proposed rulemaking appears in this week's *Illinois Register* at 50 Ill Reg 267. The emergency and proposed rulemakings reflect Public Act 104-440, which requires all hospitals to adopt policies regarding their interactions with law enforcement agents involved in immigration enforcement, and to file these policies with DPH. General acute care hospitals are required to adopt such policies and file them by 1/1/26, while all other hospitals must adopt and file their policies by 3/1/26. These policies must, at a minimum:

-- Designate a legal counsel for the hospital or persons within the hospital administration as a contact person who shall be notified of any law enforcement presence or information

requests at the hospital and of the procedures for responding to such requests.

-- Include procedures to verify the identity and authority of any law enforcement agent involved in civil immigration activities at the hospital site, including but not limited to best efforts to obtain the first and last

**Adopted Rules, Page 2**  
**Second Notice, Page 4**

name, agency name and badge number of any agent presenting with a patient or requesting information about a patient.

-- Include procedures for designating spaces where law enforcement agents may be asked to remain or wait before being granted or denied permission to enter the facility. An agent may access areas approved by the hospital's designated contact person provided that: 1) the agent complies with hospital policy and State and federal law, including but not limited to

possession of a valid judicial warrant or court order signed by a judge or magistrate that authorizes the agent to accompany a patient in their custody or otherwise be present in the facility; or 2) is requested by hospital staff to respond to a safety or security issue in the hospital.

-- Ensure that any protected health information requested by a law enforcement agent is released "only in strict accordance with all applicable local, State and federal law," including the Health Insurance Portability and Accountability Act (HIPAA) and other federal medical privacy regulations.

-- If a law enforcement agent is seeking information for the purpose of immigration enforcement, the hospital must have procedures ensuring that information will be released to the agent only in "strict compliance" with a "valid and accurate" subpoena, court order, or warrant issued by a federal judge or

(cont. page 2)

**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.

# Emergency Rule

(cont. from page 1)

magistrate, as determined by the designated contact person, administrative officer on duty, or other appropriately trained staff.

-- Provide patients with notice of the hospital's federally required privacy policies, including information regarding the patient's right to request amendments to their medical records. These amendments may include a request to delete, redact or amend information regarding the patient's place of birth, immigration or citizenship status and information from the patient's birth certificate, passport, green card, alien registration card, or employment authorization documents. This notice must be made available in the languages of persons residing in the hospital's geographic service area.

-- Patients must be given an opportunity at the earliest reasonable moment to sign authorization forms permitting the hospital to release information to parents, guardians,

relatives or other designees regarding their health status or admission/discharge status. These forms must also be made available in the languages of persons residing in the hospital service area.

-- Annual training, or training as needed, on the hospital's policies regarding interaction with law enforcement must be provided to all clinical health care staff (including contracted staff), security personnel, designated contact persons, and administrative volunteers.

-- Hospitals shall prominently post, by physical or electronic means accessible to patients, employees and visitors, a DPH-provided notice with a hotline phone number to call for information regarding their immigration rights. These notices shall be posted in the predominant languages spoken in the hospital's service area.

-- A hospital or its agents shall not retaliate against any patient, employee or agent who files a complaint regarding violations of the PA.

DPH will notify any hospitals that have not filed their policies by 1/15 (general acute care hospitals) or 3/15 (all other hospitals). Hospitals that fail to respond to this DPH notice within 7 working days are subject to fines of up to \$500 for each day that they have not filed the required policies. DPH will also investigate complaints regarding violations of the PA or these rules. Hospital personnel and volunteers shall not be held liable for any "reasonable compliance" with the Act or these rules, which are "not intended to conflict with federal law or stand as an obstacle to the enforcement of federal law" and do not affect the obligation of hospital personnel to act as mandated reporters of suspected child abuse or to respond to reported crimes on the hospital premises.

*Questions/requests for copies/comments on the proposed rulemaking through 2/23/26: Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield IL 62701, 217-782-1159, [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)*

# Adopted Rules

## ICF/DD FACILITIES

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to Intermediate Care for the Developmentally Disabled Facilities Code (77 IAC 350; proposed at 49 Ill Reg 11035 and 11233) effective 12/29/25 at 50 Ill Reg 327, combining two separately proposed rulemakings. These amendments require ICF/DD facilities to comply with the Essential Support Person Act, under which residents of long-term care facilities may designate primary and secondary essential support persons who will continue to have access to the resident when general restrictions on visitation are in effect. The rulemaking also requires facilities

to provide residents access to sex education, related resources, and treatment planning that supports residents' right to sexual health, healthy sexual practices (defined in statute as "a state of physical, emotional, mental and social well-being in relation to sexuality") and freedom from sexual exploitation and abuse. Residents of an ICF/DD facility shall be assessed by their treatment team (consisting of the individual, the individual's guardian if one has been appointed, and professionals with knowledge of the individual) to determine whether they have the capacity to consent to sexual activity and the sex education resources and materials that would be

developmentally appropriate for them. The guardian's decision-making authority shall be in accordance with the court order of appointment and the Probate Act of 1975. Other provisions require background checks for persons age 18 and older upon admission to a facility to include the National Sex Offender Public Website (in addition to the Illinois State Police and Department of Corrections sex offender registries).

*Questions/requests for copies: 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)*

(cont. page 3)

# Adopted Rules

(cont. from page 2)

## • WORKPLACE SAFETY

The DEPARTMENT OF LABOR adopted amendments to Health and Safety (56 IAC 350; proposed at 49 Ill Reg 11222) effective 12/29/25 at 50 Ill Reg 316, clarifying that the Illinois Occupational Safety and Health Administration's (Illinois OSHA) existing enhanced requirements for covered public employers to report injuries and illnesses is in place of, not in addition to, the similar federal OSHA reporting requirement. This change affects employers with 100 or more employees in the fields of road maintenance, construction, local fire protection, water supply/distribution, or sewage treatment. Units of local government are affected.

*Questions/requests for copies: Anna Koeppel, DOL, 524 S. Second St., Suite 400, Springfield IL 62701, 217-558-1270, [Anna.Koeppel@illinois.gov](mailto:Anna.Koeppel@illinois.gov)*

## STATE RETIREMENT

The STATE EMPLOYEES' RETIREMENT SYSTEM adopted amendments to The Administration and Operation of the State Employees' Retirement System of Illinois (80 IAC 1540; proposed at 49 Ill Reg 11050) effective 12/26/25 at 50 Ill Reg 353, clarifying and updating various provisions. The rulemaking clarifies that conversion of temporary disability benefits to either nonoccupational or occupational disability benefits shall apply both

retroactively and prospectively and that 5-year limitations on disability benefits shall not be disrupted by a suspension of benefit claim. With regard to Qualified Illinois Domestic Relations Orders (QILDROs) this rulemaking provides that a QILDRO calculation order is not required when a QILDRO directs 100% of the member's gross payment, or a percentage of a gross death benefit payment, to the alternate payee. Other provisions outline the process which Tier 2 members eligible for the alternate formula (certain investigative and law enforcement positions with 20 or more years' service) must complete prior to receiving their pension; limit SERS' obligation to transcribe appeals hearings; invalidate a member's COLA buyout election when the member does not have a retirement account qualified to accept the rolled over funds; provides that a member cannot purchase optional service if they owe a debt to the System; and clarifies that the 25% limitation applied to the final 12 months of a Tier 2 member's Final Average Compensation shall not exceed the member's average compensation over their final 48 months of service.

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

## IEPA PUBLIC INFORMATION

The ILLINOIS ENVIRONMENTAL PROTECTION AGENCY adopted

amendments to the following 9 Parts effective 12/23/25: Procedures for Contested Case Hearings (35 IAC 168; 50 Ill Reg 270), Environmental Laboratory Certification Fee Rules (35 IAC 185; 50 Ill Reg 274), Operation of the Hazardous Waste Fee System (35 IAC 855; 50 Ill Reg 278), Procedures for Collection of Permit and Inspection Fees (35 IAC 856; 50 Ill Reg 282), Procedures for Operation of Non-Hazardous Solid Waste Fee System (35 IAC 858; 50 Ill Reg 286), Municipal Brownfields Redevelopment Grant Program (35 IAC 885; 50 Ill Reg 290), Brownfields Redevelopment Loan Program (35 IAC 886; 50 Ill Reg 299), Procedures for Operation of the Clean Construction or Demolition Debris Fill Operation Fee System (35 IAC 1150; 50 Ill Reg 307) and Procedures for Operation of the Potentially Infectious Medical Waste Transporter Fee System (35 IAC 1450; 50 Ill Reg 311). These amendments update IEPA's Springfield mailing address for filing required documents and reports and for payment of various fees. Since these rulemakings are internal rulemakings adopted under Section 5-15 of the Illinois Administrative Procedure Act, no First Notice publication or public comment period was required.

*Questions/requests for copies of the 9 IEPA rulemakings: Ashley Rice, IEPA, 115 S. LaSalle St., Suite 2203, Chicago IL 60603, 312-832-4805, [ashley.rice@illinois.gov](mailto:ashley.rice@illinois.gov)*

## Second Notice

---

The following rulemaking was moved to Second Notice this week by the agency listed below, commencing the JCAR review period. This rulemaking will be considered at the February 17, 2026, meeting in Springfield. Other items not published in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning this rulemaking should be addressed to JCAR at [jcar@ilga.gov](mailto:jcar@ilga.gov).

### SECRETARY OF STATE

Commercial Driver Training Schools (92 IAC 1060; 49 Ill Reg 14090) proposed 10/24/25

#### **Next JCAR Meeting: Friday, Jan. 9, 11 a.m.**

Room C-600, Bilandic Bldg. 160 N. LaSalle St., 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  
700 Stratton Office Building, Springfield IL 62706  
217-785-2254 ■ [jcar@ilga.gov](mailto:jcar@ilga.gov)