

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

• EV BATTERIES

The POLLUTION CONTROL BOARD proposed a new Part titled Management of Used EV Batteries (35 IAC 1220; 50 Ill Reg 2313) establishing rules for storage of used electric vehicle (EV) batteries, and instituting registration and reporting requirements for sites that store 5,000 kilograms (11,023 pounds) or more of used EV batteries. Businesses that store used EV batteries on their premises are affected.

Public hearings on these rules via videoconference are scheduled for **Thursday, March 19**, and **Thursday, June 4**, both beginning at **9 a.m.** at the Chicago (555 W. Monroe St.) and Springfield (2525 W. Iles Ave.) PCB offices. Additional information regarding these public hearings can be found at the Board's website at <https://pcb.illinois.gov/documents/dsweb/Get/Document-115139>.

General Requirements

These rules apply only to used EV batteries stored in open piles or containers. They do not apply to new EV batteries awaiting installation in a vehicle, batteries that have not yet been removed from a vehicle, or batteries that have been returned to use or broken down into raw materials

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No Second Notices This Week**

or other products. All used EV battery terminals must be protectively packaged or designed to prevent short circuits. Activities that present a risk of fire (e.g., welding or cutting) must be conducted outside of any room in which EV batteries are stored, or if conducted outdoors, at least 250 feet from any containers containing used EV batteries.

Indoor Storage

Used EV batteries must only be stored in buildings that are fully enclosed with no openings through which rain or snow could enter, and in which all windows and doors are in working order and secured against unauthorized entry. Residential homes or buildings cannot be used for EV battery storage. EV battery piles inside a building cannot exceed 900 square feet and must be separated from other piles by walls and ceilings with at least a 2-hour fire resistance rating. Rooms containing EV battery piles must have fire alarms, automatic sprinkler systems, and at least 2 entrances/exits far enough apart to provide ingress and egress during a fire. Combustible materials, including non-EV batteries, cannot be stored in the same room as EV batteries or within 3 feet of any room, container or enclosure housing EV batteries. If the

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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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potential for explosion of flammable gases during an EV fire exists, explosion protection that meets industry standards must be installed.

Outdoor Storage

Used EV batteries cannot be kept outdoors in any area where the ground slope is 2 degrees or more and must be stored in fully enclosed, non-combustible containers at least 10 feet apart on concrete or asphalt pads. All containers must be kept at least 20 feet away from buildings or structures, vegetation, property lines, public ways, storage containers for other materials, hazardous materials, or other materials that could damage or ignite used EV batteries. Containers must also be kept at least 250 feet away from ground beneath any electric power line that carries more than 750 volts or supplies power to a fire emergency system. An outdoor storage site must have at least 2 points of access from a stabilized roadway that provide 2 ingress and egress routes in the event of a fire.

Registration Requirements

Storage sites that meet the 5,000-kilogram threshold must be registered with the Illinois Environmental Protection Agency (IEPA). They must develop battery storage plans in consultation with the local fire department and develop contingency plans that specify evacuation procedures, list all emergency equipment available at the storage site and its location, and include contact information for a primary emergency coordinator and alternate emergency coordinators who will be on site or on call at all times. Contingency plans must be reviewed and updated within 30 days after any

fire at the storage site or change in the information contained in the plan. A report must be submitted to IEPA within 15 days after any incident that activates the contingency plan. Documents that registered storage sites must regularly submit to IEPA include battery tracking, weekly battery records, annual battery summaries, annual cost estimates for removal of all batteries from the site, and financial assurance in the form of a surety bond, trust fund or letter of credit equal to or greater than the estimated removal cost.

Questions/requests for copies/comments through 4/6/26, or information on the public hearings: Don Brown, PCB, 60 E. Van Buren St., Ste. 630, Chicago IL 60605, 312-814-3461, don.brown@illinois.gov. Please reference docket R26-17.

• EMERGENCY MEDICAL SERVICES

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Emergency Medical Services, Trauma Centers, Pediatric Emergency and Critical Care Centers, and Stroke Centers Hospital Code (77 IAC 515; 50 Ill Reg 2401). The rulemaking updates the required protocols for EMS system participants by merging the pediatric respiratory distress protocols for ventilators and tracheostomy tubes, removing the requirement for a head trauma addendum to the pediatric trauma protocol, and updating emergency department and pediatric inpatient supply and equipment lists in accordance with current practice standards. Other provisions update the names of the organizations that comprise the Illinois Emergency Medical Services Children (EMSC) Advisory Board, and clarify and update the application processes for recognition as an Emergency Department Approved for Pediatrics (EDAP), Standby Emergency Department for Pediatrics (SEDP), or

Pediatric Critical Care Center (PCCC). A PCCC's disaster preparedness plan must include a pediatric patient surge plan, and an integrated preparedness training and exercise plan or the equivalent may be used to satisfy the requirement for a multi-year training and exercise plan. EMS systems, hospitals and EMS workers and volunteers are affected.

NURSING HOMES

DPH also proposed amendments to Skilled Nursing and Intermediate Care Facilities Code (77 IAC 300; 50 Ill Reg 2353) implementing changes to the Nursing Home Care Act from PA 104-191. The rulemaking updates the definition of "high-risk designation" and other statutory requirements related to the transfer and discharge of residents. A resident who has been discharged on a medical leave of absence (e.g., for hospital treatment) cannot be refused readmission if the resident's need for care does not exceed the capabilities of the facility and no grounds for involuntary discharge exist. If a resident is being involuntarily discharged for the safety of other residents, the discharged resident's managed care organization, if applicable, must be notified (along with DPH and the State Long Term Care Ombudsman). If a resident has requested a hearing from DPH after being involuntarily discharged or notified of a pending involuntary discharge, the hearing will not be canceled unless the resident withdraws the request. If a resident withdraws a hearing request based on an apparent promise of readmission from the facility, but the facility continues to deny the resident readmission, the facility may be subject to disciplinary action, including a \$2,500 fine. DPH may deny a transfer or discharge that it determines is not allowed under the

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Act. Other provisions list information that a facility must provide to DPH after it has been ordered to readmit a resident who was unlawfully discharged and require the resident's needs to be reassessed to ensure that the circumstances leading to the involuntary discharge are resolved, if possible.

Questions/requests for copies/comments on the 2 DPH rulemakings through 4/6/26: Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield IL 62701, 217-782-1159, dph.rules@illinois.gov

▪ ABUSE INVESTIGATION

The DEPARTMENT OF HUMAN SERVICES proposed amendments to the Part titled Office of Inspector General Investigations of Alleged Abuse, Neglect, or Financial Exploitation in State-Operated Facilities and Community Agencies (59 IAC 50; 50 Ill Reg 2263) implementing Public Acts 103-76, 104-327, and PA 104-270. This rulemaking requires mandated reporters of abuse, neglect and financial exploitation to report any instance of "material obstruction" of an investigation to the OIG hotline within 4 hours. A community agency or facility must notify a victim or their guardian (if applicable) and an accused employee within 24 hours after receiving notification of an allegation from the OIG or their own staff. A follow-up written notification is required if the initial notification was made by phone, or if the agency or facility was unable to contact the victim/guardian or accused employee. An accused employee must be removed from any contact with an individual at the agency or facility if

there is credible evidence of physical or sexual abuse, financial exploitation of \$20 or more, egregious neglect, or material obstruction of an investigation, pending the outcome of the OIG investigation or until OIG determines the allegation to be unfounded or unsubstantiated. A facility or agency may determine appropriate steps to be taken for credible evidence of lesser allegations such as non-egregious neglect, minimal financial exploitation of less than \$20, or mental abuse; these may include disciplinary action, reassignment or remedial training. Agencies and facilities' OIG liaisons must, as part of the preliminary steps of an investigation, identify and separate potential witnesses and take statements when applicable. Initial statements regarding an incident must be taken within 72 hours after the incident. Agencies must provide OIG with a valid email address to securely receive information from the OIG. Death reports will be released to the DHS Secretary or the Secretary's designee, and to the director of the facility or agency, when a recommendation is made. OIG may provide investigative reports and raw data to the Department of Financial and Professional Regulation if a case against a person in its jurisdiction (e.g., a licensed healthcare professional) is substantiated. An agency must also provide a response within 45 days after receiving a referral from OIG. Those affected by this rulemaking include nonprofit community agencies and State facilities serving persons with disabilities and their employees.

DHS REPEALER

DHS also proposed repeal of the Part titled Children's Mental Health Screening, Assessment, and Support Services Program (59 IAC 131; 50 Ill Reg 2293) because the mental health programs formerly implemented in this Part have been transferred to the

Department of Healthcare and Family Services. The HFS rules for this program are at 89 IAC 139.

Questions/requests for copies/comments on the 2 DHS rulemakings through 4/6/26: Tracie Drew, DHS, 100 S. Grand Ave. East, Harris Building, 3rd Floor, Springfield IL 62762, 217-785-9772, DHS.AdministrativeRules@illinois.gov

▪ DFPR HEARINGS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to Rules of Practice in Administrative Hearings (68 IAC 1110; 50 Ill Reg 2220) implementing Public Acts 103-26 and 103-1056, which included amendments to the Illinois Administrative Procedure Act. The rulemaking codifies IAPA requirements for interpretive language assistance in administrative hearings and requires an initial notice of any action for which an individual is entitled to a hearing to include an insert noting the availability of language assistance. This notice must be written in at least the following languages: English, Spanish, Arabic, Cantonese, Mandarin, Gujarati, Korean, Polish, Russian, Tagalog, Urdu, Ukrainian, and Vietnamese. The rulemaking also adds procedures to be used when an individual or entity is subject to denial, suspension or revocation of a professional or real estate license due to violation of workers' compensation obligations.

Questions/requests for copies/comments through 4/6/26: Craig Cellini, DFPR, 320 W. Washington St., 2nd Floor, Springfield IL 62786, 217-785-0810, fax 217-557-4451, Craig.Cellini@illinois.gov

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Proposed Rulemakings

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DoIT FUNDS

The DEPARTMENT OF INNOVATION & TECHNOLOGY (DoIT) proposed a new Part titled Department of Innovation and Technology Funds (74 IAC 1400; 50 Ill Reg 2308) reflecting the transfer of the Technology Revolving Fund from the Department of Central Management Services to DoIT. The new Part allows DoIT to bill other State agencies in advance for goods and services, issue credits for prior fiscal

year overpayments, and issue catch-up billings for overdue payments from prior fiscal years (functions previously handled by CMS).

Questions/requests for copies/comments through 4/6/26: Adam Bourdette, DoIT, 555 W. Monroe St., Suite 200-N, Chicago IL 60661, 773-909-8887, Adam.Bourdette@illinois.gov

STATE VEHICLES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES proposed an amendment to the Part titled State Vehicles and Garage (44 IAC 5040; 50 Ill Reg 2213) updating the definition of

the Claim Intake Form that must be filed when a State-owned vehicle is involved in an accident. A Claim Intake Form may be provided by CMS or by another executive-branch department and approved by CMS (currently, only the CMS form is recognized).

Questions/requests for copies/comments through 4/6/26: Administrative Rules Coordinator, CMS, 313 S. Sixth St., 3rd Floor, Springfield IL 62702, 217-782-9669, CMS.Rule@illinois.gov

JCAR Meeting Action

At its February 17, 2026 meeting in Springfield, the Joint Committee on Administrative Rules approved the following actions. Proposed rulemakings not listed below received No Objection and may now be adopted by their agencies. Emergency rules not acted upon at this meeting may be reconsidered at future meetings.

FAILURE TO REMEDY

JCAR issued a Notice of Failure to Remedy with regard to the State Police Merit Board rulemaking titled Procedures of the Department of State Police Merit Board (80 IAC 150; 49 Ill Reg 11623), to which the Committee issued an Objection at its 1/9/26 meeting because the Board had not been able to fully consider and respond to late public comment concerning the rulemaking as required by 1 Ill. Adm. Code 220.900(a)(3)(E). On 1/22/25, the Board received SPMB's response that it disagreed with the Objection and was unable to respond to the late comment because the suggested changes required Board approval and the Board was not scheduled to meet until after the Second Notice period expired. The Committee determined that this response did not remedy the Objection.

EXTENSIONS

JCAR, with the concurrence of the listed agencies, extended the Second Notice periods for the following rulemakings an additional 45 days. These rulemakings will be considered again at the March 24 meeting.

State Board of Education, Enrollment of and Payment for Nonresident Students at the Philip J. Rock Center and School (23 IAC 600; 49 Ill Reg 12594)

Department of Healthcare and Family Services, Medical Payment (89 IAC 140; 49 Ill Reg 14475)

Illinois Gaming Board, Video Gaming (General) (11 IAC 1800; 49 Ill Reg 12342)

Illinois Housing Development Authority, Low-Income Housing Tax Credit Allocation (47 IAC 350; 49 Ill Reg 14376)

Secretary of State, Public Use of the Capitol Complex and Springfield Facilities (71 IAC 2005; 49 Ill Reg 15062)

Adopted Rules

• PROCUREMENT PREFERENCES

The CHIEF PROCUREMENT OFFICER FOR GENERAL SERVICES adopted amendments to the Part titled Chief Procurement Officer for General Services Standard Procurement (44 IAC 1; proposed at 49 Ill Reg 6643) effective 2/9/26 at 50 Ill Reg 2498, that define "headquartered in Illinois" for purposes of determining whether a construction or construction-related services business is eligible for the procurement preferences granted to Illinois businesses. "Headquartered in Illinois" means having a physical location, excluding job site trailers, within the State where executives for the business or high-level officers for a corporation direct, control, and coordinate the business' or corporation's activities. Since 1st Notice, CPO-GS replaced language attempting to clarify the definition of an Illinois business with a reference to the statutory definition in the Procurement Code. Construction and construction-related businesses are affected.

Questions/requests for copies: Ellen Morris, CPO-GS, 300 W. Jefferson St., Room 202B, Jefferson Terrace, Springfield IL 62702, 217-685-4662, EllenMorris@illinois.gov

POWER PROCUREMENT

The ILLINOIS POWER AGENCY adopted amendments to the Part titled Fee

Assessment and Collection for Regular Procurement Events, Special Procurement Events and Other Services (83 IAC 1200; proposed at 49 Ill Reg 5259) effective 2/4/26 at 50 Ill Reg 2515, updating the Part to reflect amendments to the Illinois Power Agency Act since these rules were adopted in 2014. The proposed amendments reflect changes in the Agency's procurement plans and programs, including the establishment of new procurement plans/programs such as those for long-term renewable resources, zero emissions, and carbon mitigation credits, and removing references to the former annual calendar year planning cycle. This rulemaking also clarifies how and when expenses are recovered from bidders, suppliers, and participating electric utilities to reimburse the Agency for procurement planning and program administration.

Questions/requests for copies: Lisa Koerner, IPA, 180 N. Wabash, Ste. 500, Chicago IL 60601, 312-814-3631, Lisa.koerner@illinois.gov

STATE FUNDS

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted an amendment to the Part titled Internal Service Funds (74 IAC 1000; proposed at 49 Ill Reg 8289) effective 2/6/26 at 50 Ill Reg 2489, that removes references to specific funds that no longer exist, such as revolving funds

for office supplies, paper and printing, and surplus property. CMS also adopted an amendment to the Part titled Travel (80 IAC 2800; proposed at 49 Ill Reg 8293) effective 2/6/26 at 50 Ill Reg 22493, repealing a Section authorizing reimbursement of all "reasonable" out-of-country travel expenses as determined by the relevant State agency head, since this Section conflicts with the State Finance Act.

Questions/requests for copies of the 2 CMS rulemakings: Administrative Rules Coordinator, CMS, 313 S. Sixth Street, 3rd Floor, Springfield IL 62702, 217-782-2141, CMS.Rule@illinois.gov

IEPA REPEALS

The ILLINOIS ENVIRONMENTAL PROTECTION AGENCY adopted amendments to Clean Air Act Permit Program Procedures (35 IAC 270; proposed at 49 Ill Reg 6655) effective 2/9/26 at 50 Ill Reg 2509, repealing Sections 270.407 and 270.408 because they reference and are based upon Pollution Control Board regulations regarding startup/shutdown/malfunction that were repealed by PCB in rulemaking docket R23-18.

Questions/requests for copies: Matthew Ryan, IEPA, 115 S. LaSalle St., Ste. 2203, Chicago IL 60603, 312-832-4838, Matthew.N.Ryan@illinois.gov

Next JCAR Meeting: Tuesday, March 24, 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

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