

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

STATE SCHOLARS

The ILLINOIS STUDENT ASSISTANCE COMMISSION proposed amendments to the Part titled State Scholar Program (23 IAC 2760; 50 Ill Reg 6009) clarifying that graduating high school seniors, in order to be recognized as State Scholars, must be enrolled in an approved high school recognized by ISAC for participation in the Illinois State Scholar Program. (The program provides one-time grants of \$1,000 toward tuition and mandatory fees for State Scholars that enroll at least half time in an Illinois college or university.) State Scholar candidates must rank in the top half of their class at the end of the third semester prior to graduation (i.e., at the end of their junior year), must complete the ACT or SAT between Aug. 1 and June 30 of their junior year, and must submit their scores to ISAC. No later than July 1, approved high schools must submit required data to ISAC for the class that just completed their junior year; they

cannot exclude any class member's data but must include disqualification codes for those students that did not meet State Scholar criteria. (Under current rule, high schools submit data only for those juniors who wish to be considered for State Scholar status.) ISAC will conduct multiple selection rounds for State Scholars and will send certificates of achievement and

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congratulatory letters after all selection rounds are completed. High schools or individual students may also appeal individual student or class eligibility determinations.

TEACHER SCHOLARSHIPS

ISAC also proposed amendments to the Part titled Minority Teachers of Illinois (MTI) Scholarship Program (23 IAC 2763; 50 Ill Reg 6019) that change the name of the Part to Teachers of

Illinois (TI) Scholarship Program and extend eligibility to academically talented students (currently, minority students) pursuing teaching careers in approved Illinois school districts experiencing teacher vacancies (currently, at nonprofit Illinois preschools, elementary and secondary schools with at least 30% minority enrollment). For purposes of program eligibility, an approved school district must be identified by ISAC as having had, during the 3 most recent school years, at least 70% of its students qualify for free or reduced-price lunches and a number or percentage of teacher vacancies that exceeds the State average. Individual scholarship applicants must also have been enrolled, at any time between kindergarten and grade 12, in an Illinois public school district meeting these criteria. Applicants for the TI scholarship must complete either the Free Application for Federal Student

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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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Aid (FAFSA) or the Alternative Application for Illinois Financial Aid (Alternative Application). These applications, along with a list of approved K-12 public school districts, will be posted on ISAC's website. First priority for scholarship funds will be given to renewal applicants that received the scholarship for the previous academic year; second priority will be given to qualified bilingual applicants, depending on appropriated funding. The maximum scholarship award is \$7,500 per year. A continuing TI scholarship applicant who maintains all other conditions of eligibility cannot be disqualified solely because their school district is no longer on the list of approved school districts. Individuals who received MTI scholarships during the 2024-25 academic year and are fulfilling their teaching obligation under the terms of an MTI scholarship agreement may complete their obligation at a school that meets MTI criteria even if it does not meet TI program criteria. (If the teaching obligation is not fulfilled, the scholarship converts to a loan that must be repaid within 10 years.)

Questions/requests for copies/comments on the 2 ISAC rulemakings through 6/15/26: Sarah Dulay, ISAC, 1755 Lake Cook Road, Deerfield, IL 60015, 847-831-6757, sarah.dulay@illinois.gov

CHILD ABUSE REPORTS

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES proposed amendments to Reports of Child Abuse and Neglect (89 IAC 300; 50 Ill Reg 5756) eliminating a requirement that mandated reporters who request follow-up information regarding their

own reports of abuse or neglect receive this information by certified mail (requested information must still be provided in writing). If an indicated finding of physical or sexual abuse against a student is reported to the victim's school and the finding is reversed on appeal or hearing, the final finding report must include the date the original report was expunged from the State Central Register; the school is no longer required to return the original report to DCFS although it must still purge the report from the student's record. The rulemaking also includes statutory provisions that if a report of suspected abuse or neglect involves a child receiving care in a hospital, DCFS must notify the Department of Public Health and the Department of Healthcare and Family Services, and must also send a copy of its final findings to DPH and HFS. DPH shall also receive information from unfounded reports if needed for DPH hospital licensing investigations.

Questions/requests for copies/comments through 6/15/26: Jeff Osowski, DCFS, 406 E. Monroe, Sta. #65-D, Springfield IL 62701, 217-524-1983, DCFS.Policy@illinois.gov

LONG-TERM CARE

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed amendments to Specialized Health Care Delivery Systems (89 IAC 146; 50 Ill Reg 5962), Reimbursement for Nursing Costs for Geriatric Facilities (89 IAC 147; 50 Ill Reg 5979), and Long-Term Care Reimbursement Changes (89 IAC 153; 50 Ill Reg 5994). The Part 146 rulemaking aligns the personal needs allowance for residents of Supportive Living Programs (currently set at \$90 per month) with the amount established in 89 IAC 120.61 for other long term care residents (\$120 per month) and removes a provision that excludes SLP resident meal costs from medical assistance reimbursement. It

also raises the maximum per diem reimbursement to Children's Community Based Health Care Centers from \$950 to \$1,300. Amendments to Part 147 increase the per diem staffing incentive payments for nursing homes based on the Centers for Medicare and Medicaid Services STRIVE study for dates of service on and after 10/1/24, and also update the formula used to calculate these staffing levels in stages that increase use of the Patient Driven Payment Model (PDPM) and decrease use of Resource Utilization Groups (RUGs) through 9/30/25. (Facilities that achieve at least 70% of the staffing levels recommended by the STRIVE study qualify for incentive payments that increase with each percentage point of improvement, up to a maximum of 125% of recommended staffing levels.) The Part 153 rulemaking increases nursing facilities' regional wage adjustments; bases reimbursement rates for real estate taxes on nursing facilities' 2022 tax bills and 2023 cost reports; and increases payment rates for Intermediate Care Facilities for the Developmentally Disabled (ICF/DD) and Medically Complex for the Developmentally Disabled (MC/DD) facilities, effective 1/1/25, in an amount sufficient to provide at least a \$1 per hour pay raise to direct care staff.

Questions/requests for copies/comments on the 3 HFS rulemakings through 6/15/26: Chris Gange, HFS, 201 S. Grand Ave. East, 3rd Floor, Springfield IL 62763-0002, 217-782-1233.

UTILITY RECORDS

The ILLINOIS COMMERCE COMMISSION proposed a new Part titled Preservation of Records (83 IAC 350; 50 Ill Reg 5769) and proposed

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repeal of the Parts titled The Preservation of Records of Electric Utilities (General Order 186) (83 IAC 420; 50 Ill Reg 5794), The Preservation of Records of Gas Utilities (General Order 187) (83 IAC 510; 50 Ill Reg 5850) and The Preservation of Records of Water Utilities (General Order 189) (83 IAC 615; 50 Ill Reg 5906). The new Part 350 adopts the National Association of Regulatory Utility Commissioners (NARUC) Regulations

to Govern the Preservation of Records of Electric, Gas and Water Utilities (NARUC Regulations), 2007 edition, as ICC's general rules for records for these utilities, except for revisions and exceptions specified in the Part. It also replaces and consolidates ICC's existing records preservation rules for electric, gas and water utilities. Public utilities may select their own storage media provided that such media creates accurate, legible and complete records that can be stored, retrieved and reproduced; includes controls to prevent unauthorized alteration or deletion; includes quality assurance and inspection procedures; and is cross referenced to or otherwise

supports the utility's other books and records. Other provisions address retention periods and other requirements for accounting, insurance, personnel, operations, maintenance, injuries/damage, depreciation, purchases, and revenue records.

Questions/requests for copies/comments on the 4 ICC rulemakings through 6/15/26: Stephanie Cook, ICC, 527 E. Capitol Ave., Springfield IL 62701, 217-782-7434, Stephanie.Cook@illinois.gov. Please reference Docket No. 25-1084.

Adopted Rule

• PESTICIDES

The DEPARTMENT OF AGRICULTURE adopted amendments to the Part titled Illinois Pesticide Act (8 IAC 250; proposed at 49 Ill Reg 14336) effective 4/15/26 at 50 Ill Reg 6036, that add a statutory definition of barrier mosquitocide (pesticide formulated to kill adult mosquitoes and leave a mosquito-killing residue on natural or manmade surfaces); prohibits use of mosquito misters that spray pesticide at timed intervals; removes references to public operators and public applicators and replaces them with statutory definitions of "licensed operator" and "licensed commercial applicator"; and establishes standards for the use and application of barrier mosquitocides by commercial applicators and operators. Units of

local government, including public health departments, mosquito abatement districts, townships and municipalities are exempt from these restrictions. Commercial applicators and operators must be licensed and must complete DOA-approved training in the use of barrier mosquitocides before receiving certification (valid for 3 years) to apply them. Applicators and operators may not apply barrier mosquitocides from October 16 through April 14, or when wind speeds exceed 10 miles per hour, and cannot apply restricted use pesticides on or within 500 feet of school property during normal hours. When barrier mosquitocides are applied on a residential or commercial property, lawn markers must be posted warning individuals to stay off the lawn until the mosquitocide is dry;

the property owner may remove these markers the following day. Residents of adjoining properties may request that the applicator notify them at least a day in advance of a mosquitocide application. Violations of the school restriction or of barrier mosquitocide restrictions will incur 10 points for a knowing violation, 4 points for a negligent violation and 3 points for use of a pesticide contrary to label directions. Those affected by this rulemaking include commercial pesticide applicators and individuals or businesses that use their services.

Questions/requests for copies: Shauna Collins, DOA, State Fairgrounds, PO Box 19281, Springfield IL 62794-9281, 217-782-3256, Shauna.Collins@illinois.gov

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will be considered at the May 12, 2026, meeting in Springfield. 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 PUBLIC HEALTH

Hospital Licensing Requirements (77 IAC 250; 50 Ill Reg 10) proposed 1/2/26

DEPT OF LABOR

Equal Pay in Employment (56 IAC 320; 49 Ill Reg 11584) proposed 9/19/25

STATE BOARD OF EDUCATION

Public Schools Evaluation, Recognition and Supervision (23 IAC 1; 50 Ill Reg 1356) proposed 1/30/26

DEPT OF FINANCIAL AND PROFESSIONAL REGULATION

Credit Union Community Reinvestment (38 IAC 185; 50 Ill Reg 2029) proposed 2/13/26

Bank Community Reinvestment (38 IAC 345; 50 Ill Reg 2080) proposed 2/13/26

Mortgage Community Reinvestment (38 IAC 1055; 50 Ill Reg 2114) proposed 2/13/26

Next JCAR Meeting: Tuesday, May 12, 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

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