

THE FLINN REPORT

ILLINOIS GENERAL ASSEMBLY JOINT COMMITTEE ON ADMINISTRATIVE RULES

Elaine Spencer, Editor

VOLUME 49

ISSUE 25

June 20, 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

• VOTER REGISTRATION

The STATE BOARD OF ELECTIONS proposed amendments to Registration of Voters (26 IAC 216; 49 Ill Reg 8298) implementing Public Act 102-292. The rulemaking outlines SBE's duties under the Address Confidentiality Program (ACP) established by the Attorney General to create a confidential, password protected database containing address information for victims of domestic violence, sexual assault, human trafficking, or stalking who do not want their names and addresses to be publicly available. SBEL will produce and supply to the AG's Office special voter registration forms, printed on red paper, which the AG will distribute to ACP participants. These forms shall include space for the participant to enter their ACP authorization number. SBEL and the AG will establish a secure format and method of transmission for ACP participant files, and the AG must

transmit updated ACP information to SBEL at least monthly. When SBEL receives an ACP participant file with voter registration information, SBEL must redact those entries in its statewide system within 5 business days. Neither the name nor the address of any ACP participant shall be included in any publicly available

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statewide or local list of voters. SBEL must communicate with local election authorities at least twice a year regarding ACP participants who will need their information redacted in the local system. ACP participants must vote by mail in order for their addresses to remain confidential. SBEL will also redact information on ACP participants who engage in political activity that would normally be disclosed, including signing nominating petitions, donating \$150

or more to a political candidate, or filing an objection to a candidate's nominating papers. An informational sheet created by SBEL and distributed by the AG to ACP participants will advise participants of political activity that may lead to disclosure of an individual's residential address and instruct them to notify the AG or SBEL when they engage in such political activity. Those affected by this rulemaking include local election authorities.

Questions/requests for copies/comments through 8/4/25: H. Poyer, SBEL, 2329 S. MacArthur Blvd., Springfield IL 62704, 217-782-4141, GeneralCounsel@elections.il.gov

STATE FUNDS

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES proposed an amendment to the Part titled Internal

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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

(cont. from page 1)

Service Funds (74 IAC 1000; 49 Ill Reg 8289) 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 proposed an amendment to the Part titled Travel (80 IAC 2800; 49 Ill Reg 8293) 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/comments on the 2 CMS rulemakings through 8/4/25: Administrative Rules Coordinator, CMS, 313 S. Sixth Street, 3rd Floor, Springfield IL 62702, 217-782-2141, CMS.Rule@illinois.gov

JCAR Meeting Action

At its 6/17/25 meeting, the Joint Committee on Administrative Rules approved the following actions.

OBJECTIONS

JCAR objected to Section 118.760 of the Department of Healthcare and Family Services' proposed rulemaking titled Special Eligibility Groups (89 IAC 118; 49 Ill Reg 3418) because it does not meet the rulemaking criteria of 1 IAC 220.900(a)(1)(D) and (a)(2)(E). The Department has not included in this rulemaking clear standards for determining which healthcare services under the Health Benefits for Immigrant Seniors program are subject to copayments, and by disclosing these services and copayment amounts via provider notices rather than in rule, the Department is not ensuring that these rules will be fully understood by the persons and groups that are affected.

JCAR objected to the Illinois Purchased Care Review Board rulemaking titled Illinois Purchased Care Review Board (89 IAC 900; 49 Ill Reg 2329) because the Board did not comply with 1 IAC 220.900(a)(1)(C) by allowing the implementation of portions of this rulemaking prior to adoption of the rule. Section 5-10(c) of the Illinois Administrative Procedure Act [5 ILCS 100] states that no agency rule is valid or effective until it has been filed with the Secretary of State. The determination of the content and the solicitation and collection of cost reports occurred prior to the adoption of the proposed rule.

EXTENSIONS

JCAR, with the concurrence of the Department of Children and Family Services, extended the Second Notice period for the DCFS rulemaking titled Placement and Visitation Services (89 IAC 301; 48 Ill Reg 10483) for an additional 45 days. This rulemaking will be on the July 8 meeting agenda.

Adopted Rules

▪ GENETIC COUNSELING

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to the Part titled Genetic Counselor Licensing Act (68 IAC 1251; proposed at 49 Ill Reg 1227) effective 6/5/25 at 49 Ill Reg 8307, aligning the Part with PA 103-763 (a sunset renewal of the Act, with amendments, that expires on 1/1/30). The rulemaking allows genetic counselors from outside Illinois to practice in Illinois for up to 30 days per year if they are certified by either the American Board of Genetic Counseling (ABGC) or American Board of Medical Genetics and Genomics (ABMGG) and are licensed in their home state if that state licenses genetic counselors. An out-of-state genetic counselor must obtain Illinois licensure if the counselor intends to practice in Illinois for more than 30 days per year. Temporary 24-month licenses that allow supervised practice while the licensee is awaiting an opportunity to take the national certification exam will expire when the license holder receives a full license or has failed the certification exam twice (previously, once). After the first exam failure, a temporary license holder may practice only under the supervision of a licensed genetic counselor with at least 5 years' experience or a physician with at least 5 years' experience in genetic counseling, and must take the next available certification exam. Failure to take the next available exam invalidates the temporary license. Other provisions require proof of current ABGC or ABMGG certification for license renewal and for licensure by endorsement; institute a procedure for restoring a license from disciplinary status; define unprofessional conduct and incorporate the National Society of Genetic Counselors' code of ethics; and include sexual harassment

prevention and implicit bias awareness training (which DFPR requires for all healthcare related licensees) in the required continuing education for license renewal or restoration. Changes since 1st Notice include correcting references to genomics, adding examples of unprofessional conduct, and clarifying circumstances under which a genetic counselor should refer clients to another genetic counselor. Genetic counselors and their employers are affected.

▪ LANDSCAPING

DFPR also adopted amendments to the Part titled Landscape Architecture Registration Act (68 IAC 1275; proposed at 48 Ill Reg 18059) effective 6/5/25 at 49 Ill Reg 8323, that replace the term "licensing" with "registration" and increase the registration fee from \$100 to \$175 for initial registration (does not include exam fee) and from \$60 to \$125 for each 2-year renewal. Restoration of a lapsed registration is \$50 plus all lapsed renewal fees up to a maximum of \$425 (previously, \$230), and new fees for returned checks and for penalties for practicing with a nonrenewed registration are added. A new requirement for 24 hours of continuing education (CE) during each 2-year renewal period, 16 of which must address core subjects of health, safety and welfare, and which must include 1 hour of sexual harassment prevention training required of all DFPR licensees and registrants, has been added. Approved forms of CE are listed and CE may be earned via online or self-administered courses that meet DFPR's requirements. Other provisions specify when CE requirements may be waived and authorize DFPR to require a foreign applicant for registration by endorsement to complete the

required registration exam. Since 1st Notice, DFPR has changed the effective date for the new CE requirements from the 2025 renewal period to the 2027 renewal period (9/1/25 through 8/31/27). Landscape architects and their employers are affected.

▪ COUNSELING & THERAPY

DFPR also adopted amendments to the Parts titled Marriage and Family Therapy Licensing Act (68 IAC 1283; proposed at 48 Ill Reg 18075), Professional Counselor and Clinical Professional Counselor Licensing Act (68 IAC 1375; proposed at 48 Ill Reg 18081) and Clinical Psychologist Licensing Act (68 IAC 1400; proposed at 48 Ill Reg 18095), all effective 6/5/25 at 49 Ill Reg 8340, 8346 and 8360, to correct errors or omissions in previous rulemakings. An amendment to Part 1283 aligns the qualifications for those professionals (psychiatrists, licensed marriage and family therapists, licensed clinical psychologists, licensed clinical social workers, licensed clinical professional counselors) who may provide the first 100 hours and second 100 hours of the required 200 hours of clinical supervision for a marriage and family therapy licensing candidate. The Part 1375 and 1400 rulemakings clarify that a licensed clinical professional counselor or licensed clinical psychologist seeking restoration of a license that has been lapsed 5 years or less, and who has no record of disciplinary action in Illinois or any other state, is granted a one-time exemption from the renewal fee and other documentation requirements. Psychologists, counselors, and marriage and family therapists are affected by these rulemakings.

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Adopted Rules

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▪ BEHAVIOR ANALYSIS

Finally, DFPR adopted amendments to Behavior Analyst Licensing Act (68 IAC 1376; proposed at 48 Ill Reg 18088) effective 6/5/25 at 49 Ill Reg 8353, that add a fingerprint background check conducted by an Illinois State Police livescan vendor or another DFPR-approved vendor to the licensing requirements for behavior analysts and assistant behavior analysts. The rulemaking also reflects statutory provisions that exempt individuals who have been licensed in another jurisdiction for 10 consecutive years or more without discipline from having to submit proof of education, professional experience, and supervision to be licensed by endorsement in Illinois. Behavior analysts, assistant behavior analysts, and their employers (e.g., autism services providers) are affected.

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

HEALTH FACILITIES

The HEALTH FACILITIES AND SERVICES REVIEW BOARD adopted amendments to the Part titled Health Facilities and Services Review Operational Rules (77 IAC 1130; proposed at 49 Ill Reg 1032) effective 7/1/25 at 49 Ill Reg 8366, that apply to new applications filed on or after that date. The proposed rulemaking increases initial

application fees for a Certificate of Need (CON) from \$2,500 to \$5,000 for projects costing less than \$2.25 million (the former threshold was \$1.25 million). The CON initial application fee for projects of \$2.25 million or more remains 0.22% of the project cost but is capped at \$150,000 (previously \$100,000). For a Certificate of Exemption (COE) the application fee is increased from \$2,500 to \$5,000, except for certain exemptions for a change of ownership, for which the fee will be the greater of \$5,000 or 0.22% of the fair market value of the sale transaction, up to a maximum of \$150,000. Fees for various post-permit transactions (e.g., extension of financial commitment, permit renewals, and permit alterations) are also increased. The rulemaking also revises and adds various definitions to align with statute. Other provisions update the procedure for filing applications electronically; clarify how extensions of financial commitment, permit renewals, and permit alterations are processed and reviewed by HFSRB; clarify and explain how cumulative fines can be assessed; and establish how HFSRB will conduct a public hearing in situations where the initial requestor has rescinded the request for a public hearing. Finally, Appendix A is revised to cross-reference HFSRB's capital expenditure thresholds to HFSRB's website instead of publishing these thresholds in the Appendix. Since 1st Notice, HFSRB has further clarified various aspects of the application process. Health facilities seeking permits to build or renovate are affected.

Questions/requests for copies: Donald Jones, HFSRB, 525 W. Jefferson St., 2nd

Fl., Springfield IL 62761, 217-782-3516, dph.hfsrb.rules@illinois.gov

TANF BENEFITS

The DEPARTMENT OF HUMAN SERVICES adopted an amendment to Temporary Assistance for Needy Families (89 IAC 112; proposed at 49 Ill Reg 1758) effective 6/5/25 at 49 Ill Reg 8436, implementing Public Act 103-8, which raises the maximum benefit for TANF recipients from 30% to 35% of the Federal Poverty Level for their household size. The rulemaking also replaces a list of maximum monthly payment levels by household size and program (child-only or children plus caretaker relative) with a link to the DHS website where the current payments are listed.

EARLY INTERVENTION

DHS also adopted amendments to Early Intervention Program (89 IAC 500; proposed at 49 Ill Reg 1105) effective 6/5/25 at 49 Ill Reg 8450, that allow complaints, requests for due process hearings, and requests for mediation to be filed by e-mail as well as by regular mail. Parents who have filed complaints or disputes with DHS concerning Early Intervention services for their children may be affected.

Questions/requests for copies of the 2 DHS rulemakings: Tracie Drew, DHS, 100 S. Grand Ave. East, Harris Building, 3rd Fl., Springfield IL 62762, 217-785-9772, DHS.AdministrativeRules@illinois.gov

Next JCAR Meeting: Tuesday, July 8, 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

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