

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

• COLLECTION AGENCIES

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to the Part titled Collection Agency Act (38 IAC 150; 49 Ill Reg 9692) phasing in increased initial and renewal licensing fees. License application fees for a collection agency (currently \$750) will be \$1,200 for calendar year 2025; \$1,350 for 2026; and \$1,500 for 2027 and subsequent years. For branch offices, the license application fee (currently \$250) will remain \$250 for 2025 and increase to \$350 in 2026 and \$500 for 2027 and thereafter. Annual renewal fees (currently \$250 for collection agencies and \$50 for branch offices) are increased to \$500 in 2025, \$750 in 2026 and \$1,000 in 2027 and later for collection agencies, and \$100 for 2025, \$150 for 2026 and \$250 for 2027 and beyond for branch agencies. The new restoration fee for an expired license is \$500 (currently \$50) plus any unpaid renewal fees, and the fee for

certifying a licensee's record is \$50 (currently \$20). DFPR may partially or fully waive these fees on a case-by-case basis if it determines the fees would be unnecessarily burdensome and waiving them would not impair Department operations. DFPR states that these increases are necessary to defray the costs of regulating Illinois

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collection agencies, including hiring additional staff dedicated solely to collection agency licensing. Collection agencies are affected.

Questions/requests for copies/comments through 9/8/25: Craig Cellini, DFPR, 320 W. Washington St., 2nd Floor, Springfield IL 62786, 217-785-0810, fax 217-557-4451, Craig.cellini@illinois.gov

NURSING HOMES

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed an amendment to Medical Payment (89 IAC 140; 49 Ill Reg 9699) concerning HFS' rate determination appeal process in cases where a nursing facility does not receive staffing incentive payments intended to help them hire more Certified Nursing Assistants (CNAs) and/or increase their pay. If the facility failed to timely submit federally required quarterly Payroll Based Journal (PBJ) staffing data, the facility will not receive incentive payments for the applicable quarter. If the facility timely submitted PBJ data that was not accepted by the federal Centers for Medicare and Medicaid Services (CMMS), it will receive 90% of the incentive payment made for the most recent quarter prior to the CMMS rejection. The facility must inform HFS of the reason

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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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for the rejection (e.g., reporting errors, federal audit). If CMMS rejects the facility's data in subsequent quarters, an additional 10% reduction (to 80%, 70%, etc.) will be applied to its incentive payments for each applicable quarter. Nursing facilities that participate in HFS' staffing incentive program are affected.

Questions/requests for copies/comments through 9/8/25: Kathy Hunt Muse, HFS, 201 S. Grand Ave. East, 3rd Floor, Springfield IL 62763-0002, 217-782-1233, HFS.Rules@illinois.gov

HEALTH INSURANCE EXCHANGE

The DEPARTMENT OF INSURANCE proposed amendments to the Part titled Illinois Health Benefits Exchange (50 IAC 4500; 49 Ill Reg 9724) that will implement the final phase of the exchange's transition from a State-based exchange on the federal platform (SBE-FP) to a fully State-based exchange (SBE) by the target plan year of 2026. This rulemaking clarifies and adds definitions, updates incorporations by reference, and clarifies which provisions will apply before and after the transition to an SBE. Various functions that are currently handled by the federal Department of Health and Human Services for SBE-FPs will be transferred to DOI when the SBE takes effect, although DOI will retain many

Emergency Rules

GRAY FOX HUNTING

The DEPARTMENT OF NATURAL RESOURCES adopted emergency amendments to the Parts titled Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote, Bobcat and Woodchuck (Groundhog) Hunting (17 IAC 550; 49 Ill Reg 9834) and Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, River Otter, Beaver, Bobcat and Woodchuck (Groundhog) Trapping (17 IAC 570; 49 Ill Reg 9852), both effective 7/9/25 for a maximum of 150 days. These emergency amendments prohibit hunting or trapping of gray fox due to population decline and remove the gray fox from the lists of furbearing animals that may be hunted (Part 550) or trapped (Part 570). DNR is also withdrawing related proposed amendments to these Parts (see below).

Questions/requests for copies: John Fischer, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217-782-1809, Email: dnr.rules@illinois.gov

of the current federal rules. Other provisions concern training requirements for agents and brokers; procedures for denial, suspension or revocation of an insurance producer's Exchange certificate; special enrollment periods for triggering events (e.g., death of an enrollee or dependent, pregnancy, loss of Medicaid or minimum essential insurance coverage); and the administrative appeal process for eligibility determinations.

Questions/requests for copies/comments through 9/8/25: Robert Planthold, DOI, 115 S. LaSalle St., 13th Fl., Chicago IL 60603, 312-814-5445, robert.planthold@illinois.gov, or Susan Anders, DOI, 320 W. Washington St., 4th Fl., Springfield IL 62767, 217-558-0957, sue.anders@illinois.gov

DNR RULE WITHDRAWAL

The DEPARTMENT OF NATURAL RESOURCES has withdrawn proposed amendments to Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote, Bobcat and Woodchuck (Groundhog) Hunting (17 IAC 550; 49 Ill Reg 4164) and Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, River Otter, Beaver, Bobcat and Woodchuck (Groundhog) Trapping (17 IAC 570; 49 Ill Reg 4178) that were published in the 4/11/25 *Illinois Register*. DNR is withdrawing these amendments in order to make changes reflecting its recently imposed ban on gray fox hunting and trapping.

Adopted Rules

• FLOODPLAIN CONSTRUCTION

The DEPARTMENT OF NATURAL RESOURCES adopted a new Part titled Floodplain Development Requirements for State Owned Properties (17 IAC 3710; proposed at 49 Ill Reg 1772), effective 7/8/25 at 49 Ill Reg 9785, replacing an emergency rule that expired on 6/28/25. This rulemaking implements Public Act 103-905, which effective 1/1/25, requires all State agencies to obtain a Special Flood Hazard Area Development Permit from DNR before beginning any construction project or other development in a flood plain. The new Part establishes the process by which DNR will accept applications for and issue permits, and ensures that the State remains in compliance with the National Flood Insurance Program. All new, substantially improved, or substantially damaged and repaired structures must have their lowest floors (including basements) located above the flood protection elevation (1 foot higher than the base flood level with a 1% annual chance of occurrence, commonly known as the 100-year flood level). A critical facility (e.g., police or fire station, hospital or other health care facility, corrections facility, hazardous materials storage facility, electrical or telephone switching station) that is new, substantially improved, or substantially damaged must have its lowest floor elevated or structurally dry floodproofed to either 3 feet above the base flood level or above the 0.2% annual chance flood elevation (commonly known as the 500-year flood level), whichever is greater. Once a permit is issued, work must begin within 180 days and be completed by the permit expiration date (changed since 1st Notice from 18 months). Other provisions address required application information, variances, required reports and

documentation of a project, historic structures, and suspensions of permits. Since 1st Notice, DNR has also added, expanded or clarified various definitions; required that applicants whose permits are denied be informed of the reason for the denial; and allowed permit holders, under certain conditions, to request extensions of time to complete a project. Those affected include contractors and builders working on State projects located in flood areas.

Questions/requests for copies: John Fischer, DNR, One Natural Resources Way, Springfield IL 62702, 217-782-1809, dnr.rules@illinois.gov

SPECIAL EDUCATION

The ILLINOIS PURCHASED CARE REVIEW BOARD adopted amendments to the Part titled Illinois Purchased Care Review Board (89 IAC 900; proposed at 49 Ill Reg 2329) effective 7/11/25 at 49 Ill Reg 9804, that expand the scope of the Part to include separate public special education day schools established under Section 14-1.08a of the School Code, known in this Part as "public providers". (The Part establishes allowable costs that school districts may claim under Section 14-7.02 of the School Code, under which special needs students who needs cannot be met by their home school district can be placed in a non-public day or residential school at the home school district's expense, with the district being reimbursed by the Illinois State Board of Education.) Each separate facility must be approved as eligible by ISBE. Through the 2025-26 school year, payments calculated and approved for public special education providers shall be used to determine only the rate at which the student's home district is reimbursed. Beginning with the 2026-27 school year, the payments set by

IPCRB will be used to establish tuition rates for public special education programs. The Board will not approve costs for reimbursement or approve a tuition rate for any public program unless it has submitted to ISBE a written description of the program, including the disability categories and ages of students served; the maximum number of students the program can serve; and a description of the services the program will offer and how it will attempt to provide the least restrictive environment for its students. Cost reports from public providers will be referenced against audits or annual financial reports submitted to ISBE for the same period, to establish that the costs reported are reasonable. The rulemaking also raises the threshold for non-allowable asset acquisition costs, for assets having a life of 1 year or more, from \$500 to \$10,000; for public providers, the threshold is either \$10,000 or the threshold established by the provider's governing board. Other provisions clarify allowable costs and list sources of revenue that will be offset (deducted from payments approved by IPCRB) for public programs and establish that cost ceilings for nonpublic providers and public programs will be established separately. Since 1st Notice, IPCRB has made numerous changes, including: clarifying which provisions apply to public providers, nonpublic providers, and all providers; requiring more detailed information from a public program as a condition of approving its tuition and reimbursement rates; specifying that any provider that purchases goods or services from a related organization will be reimbursed only for the cost of that good or service to the related organization (i.e., the provider cannot build a profit into its cost structure);

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Adopted Rules

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postponing due dates for 2024-25 and 2025-26 school year cost reports filed by public providers; and further clarifying various definitions, allowable costs and revenue offsets.

Questions/requests for copies: Azita Kakvand, ISBE, 555 W. Monroe St.,

Chicago IL 60661, 312-793-2757, rules@isbe.net

▪ ELECTIONS

The STATE BOARD OF ELECTIONS adopted an amendment to Cyber Navigator Program (26 IAC 213; proposed at 49 Ill Reg 3707) effective 7/11/25 at 49 Ill Reg 9781, providing that if the Illinois Century Network (main State computer network) experiences a technical failure lasting

more than one hour, SBEL will provide local election authorities with access to voter registration, Cyber Navigator applications, and data through an alternative secured connection for the duration of the failure. Local election authorities may be affected.

Questions/requests for copies: H. Poyer, SBEL, 2329 S. MacArthur Blvd., Springfield IL 62704, 217-782-4141, GeneralCounsel@elections.il.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 August 13, 2025 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.

STATE BOARD OF ELECTIONS

Automatic Voter Registration (26 IAC 300; 49 Ill Reg 3834) proposed 4/4/25

DEPT OF FINANCIAL AND PROFESSIONAL REGULATION

Consumer Installment Loan Act (38 IAC 110; 49 Ill Reg 7187) proposed 5/23/25

Sales Finance Agency Act (38 IAC 160; 49 Ill Reg 7197) proposed 5/23/25

DEPT OF HUMAN SERVICES

Aid to the Aged, Blind or Disabled (89 IAC 113; 49 Ill Reg 2411) proposed 3/7/25

Role of Residential Educational Facilities Operated by the Illinois Department of Human Services (89 IAC 750; 49 Ill Reg 5636) proposed 4/25/25

Admission Procedures (89 IAC 755; 49 Ill Reg 5641) proposed 4/25/25

DEPT OF PUBLIC HEALTH

AIDS Drug Assistance Program (77 IAC 692; 49 Ill Reg 7498) proposed 5/30/25

DEPT OF REVENUE

Income Tax (86 IAC 100; 49 Ill Reg 7503) proposed 5/30/25

POLLUTION CONTROL BOARD

RCRA Permit Program (35 IAC 703; 49 Ill Reg 5114) proposed 4/18/25

Hazardous Waste Management System: General (35 IAC 720; 49 Ill Reg 5124) proposed 4/18/25

Identification and Listing of Hazardous Waste (35 IAC 721; 49 Ill Reg 5162) proposed 4/18/25

Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 IAC 724; 49 Ill Reg 5172) proposed 4/18/25

Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities (35 IAC 725; 49 Ill Reg 5192) proposed 4/18/25

Land Disposal Restrictions (35 IAC 728; 49 Ill Reg 5210) proposed 4/18/25

Standards for Universal Waste Management (35 IAC 733; 49 Ill Reg 5220) proposed 4/18/25

Next JCAR Meeting: Wednesday, Aug. 13, 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