

# THE FLINN REPORT

## ILLINOIS GENERAL ASSEMBLY JOINT COMMITTEE ON ADMINISTRATIVE RULES

Elaine Spencer, Editor

VOLUME 49

ISSUE 32

August 8, 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.

## Adopted Rules

### LONG TERM CARE

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted an amendment to Medical Assistance Programs (89 IAC 120; proposed at 49 Ill Reg 5055) effective 7/23/25 at 49 Ill Reg 10251, implementing PA 103-593 by increasing the personal needs allowance for residents of Supportive Living Facilities (SLFs) from \$90 to \$120 per month. HFS also adopted amendments to Specialized Health Care Delivery Systems (89 IAC 146; proposed at 49 Ill Reg 5074) effective 7/23/25 at 49 Ill Reg 10270 that implement PA 103-8 by increasing Medically Complex for the Developmentally Disabled (MC/DD) exceptional care per diem rates by 6%, requiring that all tiers of exceptional care receive any increases applied to the base rate, and increasing the rate for Tier 3 to \$1,000. This rulemaking also includes a \$2.50 per hour wage increase for all direct support personnel and other frontline

personnel who work in residential and community day services settings. Finally, HFS adopted amendments to Long Term Care Reimbursement Changes (89 IAC 153; proposed at 49 Ill Reg 5101) effective 7/23/25 at 49 Ill Reg 10297, pursuant to PA 103-102 that increase the support component of nursing facility rates for skilled or

### Second Notices, Page 3 No Proposed Rules This Week

intermediate care facilities on and after 1/1/24 by 12% from the rate in effect on 6/30/24.

*Questions/requests for copies of the 3 HFS rulemakings: Kathy Muse, HFS, 201 S. Grand Ave. East, 3<sup>rd</sup> Floor, Springfield IL 62763-0002, 217-782-1233, [HFS.Rules@illinois.gov](mailto:HFS.Rules@illinois.gov)*

### • PROFESSIONAL LICENSING

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted

amendments to the Parts titled Illinois Architecture Practice Act of 1989 (68 IAC 1150; proposed at 49 Ill Reg 2575, adopted at 49 Ill Reg 10074), Registered Interior Designers Act (68 IAC 1255; proposed at 49 Ill Reg 2612, adopted at 49 Ill Reg 10113), Illinois Professional Land Surveyor Act of 1989 (68 IAC 1270; proposed at 49 Ill Reg 2621, adopted at 49 Ill Reg 10122) and The Professional Engineering Act of 1989 (68 IAC 1380; proposed at 49 Ill Reg 2659, adopted at 49 Ill Reg 10161), all effective 7/23/25, that increase initial licensing, renewal and other fees and align other requirements among these Parts.

### Fees

The amendments raise the initial license application fee for all 4 professions from \$100 to \$175 and the initial registration fee for a professional design firm from \$75 to \$150. Renewal fees are \$125 (previ-

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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.ilso.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.

# Adopted Rules

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ously, \$30 per year) for individual licensees and \$150 for professional design firms. Fees for restoration of a lapsed license or registration cannot exceed \$425 for an individual or \$500 for a design firm. Additional fees may be imposed for dishonored checks or for continuing to practice without paying renewal or other fees. Also, a \$25 fee will be charged for changing a professional design firm's business type, services offered, or the name of its managing agent. Fees may be waived in individual instances where DFPR finds they would be excessively burdensome.

## Foreign Applicants

Passage of the Test of English as a Foreign Language Internet Based Test (TOEFL-iBT) is no longer required for applicants who completed their training outside the U.S. and whose first language is not English, but applicants from foreign countries may be required to take the applicable licensing or registration exam for their profession in order to verify satisfactory knowledge of U.S. construction and other standards.

## Inactive Status

Professional design firms that are not currently doing business in Illinois may request inactive status (formerly, only individual licensees/registrants could do so). If inactive status is granted, the firm will not be obligated to pay any licensing, registration or renewal fees until it resumes active status.

## Architects

The Part 1150 rulemaking also specifies that when a licensure applicant passes any one of the 6 divisions of the National Council of Architectural Registration Boards (NCARB) Architecture Registration Exam (ARE), the passing score for that

section shall remain valid as long as that version of the test, and the next version, remain in use. If all divisions of the ARE are not completed before the next version ends, the applicant must retake the entire test. (These requirements replace NCARB's 5-year "rolling clock" timeframe for exam completion.) The 24 required continuing education (CE) hours, of which 16 core hours must be in health, safety and welfare related subjects, for license renewal may be completed in person or virtually. The 16 core hours must include one hour of sexual harassment prevention training and, for renewals after 11/30/24, one hour on design practices to resist high winds and other natural disasters. Other provisions expand and clarify various paths to licensure by endorsement and remove a requirement that 2/3 of a design firm's board consist of design professionals.

## Interior Designers

Amendments to Part 1255 additionally allow applicants 3 (previously 2) years to submit all items required for registration, aligning this requirement with those for architects, surveyors, and engineers.

## Surveyors

The Part 1270 rulemaking also clarifies that foreign applicants may seek licensure by endorsement but may be required to pass exams or submit National Council of Examiners for Engineering and Surveying (NCEES) records in lieu of transcripts. Land surveying programs at Southern Illinois University Edwardsville and the University of Maine have been added to the list of approved programs. If a licensee is unable to complete a project due to death, incapacity, termination of employment or relocation, a successor licensee may take charge of the project and will be responsible for completing and verifying all documents.

## Professional Engineers

Amendments to Part 1380 also allow applicants from foreign countries to apply up to 2 (previously 4) years' experience toward licensure. (At least 4 years' experience is required for licensure as a professional engineer; persons who have earned engineering degrees from approved programs but do not yet have the required experience are enrolled as engineer interns.) Other provisions clarify how Part II of the examination for professional engineering licensure must be completed. The fee for enrollment as an engineer intern is raised to \$55 (formerly \$20). Applicants have 3 years to submit all required documents for licensure, after which they must submit a new application and fee. If a licensee is unable to complete a project due to death, incapacity, termination of employment or relocation, a successor licensee may take charge of the project and will be responsible for completing and verifying all documents.

## ▪ STRUCTURAL ENGINEERS

DFPR also adopted amendments to The Structural Engineering Practice Act of 1989 (68 IAC 1480; proposed at 49 Ill Reg 1700) effective 7/23/25 at 49 Ill Reg 10205, removing a requirement that license applicants who graduated from a structural engineering program outside of the U.S. and whose first language is not English present proof of having passed the Test of English as a Foreign Language (TOEFL). The rulemaking also clarifies that applicants have 3 years to submit all required items, after which their application expires and the process must be repeated; clarifies which examinations are accepted for licensure; streamlines documentation requirements for professional design firms; states requirements for design

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# Adopted Rules

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structural engineering licensure rules. Structural engineers and their employers are affected.

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firms to place licenses in inactive status; and updates an appendix listing the historical changes in Illinois

*Questions/requests for copies of the 5 DFPR rulemakings: Craig Cellini, DFPR, 320 W. Washington St., 2<sup>nd</sup> Floor,*

## 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](mailto:jcar@ilga.gov).

### DEPT OF NATURAL RESOURCES

Sport Fishing Regulations for the Waters of Illinois (17 IAC 810; 49 Ill Reg 7766) proposed 6/6/25

### SECRETARY OF STATE

Issuance of Licenses (92 IAC 1030; 49 Ill Reg 3483) proposed 3/21/25

School Bus Driver Permit (92 IAC 1035; 49 Ill Reg 3507) proposed 3/21/25

### IL ENVIRONMENTAL PROTECTION AGENCY

Procedures and Criteria for Reviewing Applications for Provisional Variances (35 IAC 180; 49 Ill Reg 3723) proposed 3/28/25

Procedures for Collection of Air Pollution Site Fees (35 IAC 251; 49 Ill Reg 3728) proposed 3/28/25

Public Participation in the Air Pollution Control Permit Program (35 IAC 252; 49 Ill Reg 3732) proposed 3/28/25

Clean Air Act Permit Program Procedures (35 IAC 270; 49 Ill Reg 3737) proposed 3/28/25

### DEPT OF FINANCIAL AND PROFESSIONAL REGULATION

Medical Practice Act of 1987 (68 IAC 1285; 49 Ill Reg 278) proposed 1/10/25

### 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

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