

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

▪ SALES TAX DISCOUNTS

The DEPARTMENT OF REVENUE proposed amendments to the Parts titled Rental Purchase Agreement Occupation and Use Tax (86 IAC 125; 49 Ill Reg 315), Retailers' Occupation Tax (86 IAC 130; 49 Ill Reg 322), Leveling the Playing Field for Illinois Retail Act (86 IAC 131; 49 Ill Reg 351), Service Occupation Tax (86 IAC 140; 49 Ill Reg 363), Use Tax (86 IAC 150; 49 Ill Reg 374), Service Use Tax (86 IAC 160; 49 Ill Reg 384), Automobile Renting Occupation Tax (86 IAC 180; 49 Ill Reg 391), County Motor Fuel Tax (86 IAC 695; 49 Ill Reg 398) and Municipal Motor Fuel Tax (86 IAC 696; 49 Ill Reg 402). These rulemakings implement provisions of Public Act 103-592 that impose a \$1,000-per-month cap, effective 1/1/25, on the vendor's discount merchants may claim, when remitting these taxes to the Department, as reimbursement for the expenses incurred in keeping records, preparing and filing returns,

remitting the tax and supplying data to the Department on request. These rulemakings also specify the forms on which the discount is capped. Businesses that sell or rent affected items or services are affected.

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Questions/requests for copies/comments on the 9 DOR rulemakings through 2/24/25: Samuel J. Moore, DOR, 101 W. Jefferson St., Springfield IL 62794, 217-782-7055, REV.GCO@illinois.gov

▪ PHYSICIAN LICENSURE

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to the Part titled Medical Practice Act of 1987 (68 IAC 1285; 49 Ill Reg 278) implementing recent changes to the Medical

Practice Act [225 ILCS 60] affecting international medical graduates who have been trained and have practiced outside the United States. Individuals who graduated from a foreign medical school, are licensed as physicians in another country, and have passed the United States Medical Licensing Examination are eligible to receive a limited 2-year license allowing them to practice only with an approved sponsoring entity (e.g., hospital, community health center, State facility) under the direction of a faculty supervisor with a full and unrestricted Illinois physician license. An applicant for the limited license (renewable every 2 years) must have practiced medicine in their country of licensure for at least 3 of the past 10 years and have an agreement with the sponsoring entity to assess and evaluate their clinical skills. An individual who successfully completes 2 years of practice under this limited

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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)

license becomes eligible to apply for a 2-year restricted license under which they may practice in a designated Health Professional Shortage Area (HPSA) in Illinois. This license confines the physician's practice to the designated HPSA but otherwise does not restrict their type of practice (independent or affiliated with a hospital or other healthcare entity). Successful completion of 2 years of this restricted practice qualifies the individual to apply for a full unrestricted Illinois physician's license. Those affected by this rulemaking include international medical graduates and healthcare entities that employ them.

Questions/requests for copies/comments through 2/24/25: Craig Cellini, DFPR, 320 W. Washington St., 2nd Floor, Springfield IL 62786, 217-785-0810, fax 217- 557-4451, Craig.Cellini@illinois.gov

MANAGED CARE

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed an amendment to Medical Payment (89

Emergency Rule

IMMIGRANT HEALTHCARE

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted emergency amendments to Special Eligibility Groups (89 IAC 118; 49 Ill Reg 613) effective 1/2/24 for a maximum of 150 days, replacing identical emergency amendments that expired on 1/1/25. These amendments renew current eligibility criteria for the Health Benefits for Immigrant Adults (HBIA, ages 42-64) and Health Benefits for Immigrant Seniors (HBIS, age 65+) programs that exclude legal permanent U.S. residents. These programs assist non-U.S. citizens who meet income criteria but do not qualify for federally funded Medicaid assistance (legal U.S. residents of 5 years or more may qualify for Medicaid).

Questions/requests for copies: Christopher Gange, HFS, 201 S. Grand Ave. East, 3rd Floor, Springfield IL 62763-0002, 217-782-1233, HFS.Rules@illinois.gov

IAC 140; 49 Ill Reg 288) implementing a provision of the FY25 Medicaid Omnibus legislation that changes the procedure for annually adjusting HFS' assessments on Managed Care Organizations (MCOs). Instead of setting specific assessment rates in rule each year, the rulemaking states that HFS will adjust either the rates or the tier parameters (based on enrollment numbers and Medicaid MCO status) in order to maximize the revenue generated by the assessment consistent with federal regulations, and to meet federal statistical tests

necessary for federal financial participation. Upward adjustments to the Tier 3 rate (non-Medicaid MCOs) must be the minimum necessary to meet federal statistical tests.

Questions/requests for copies/comments through 2/24/25: Christopher Gange, HFS, 201 S. Grand Ave. East, 3rd Floor, Springfield IL 62763-0002, 217-782-1233, HFS.Rules@illinois.gov

Adopted Rules

HEALTH INSURANCE

The DEPARTMENT OF INSURANCE adopted amendments to the Part titled Illinois Health Benefits Exchange (50 IAC 4500; proposed at 48 Ill Reg 13539) effective 12/26/24 at 49 Ill Reg 420, that take further steps toward implementing PA 103-103, which transitions the current State-based health insurance exchange hosted on a federal platform to a full State-based exchange by 2026. This rulemaking adopts federal standards and requirements for enrollment of qualified health plans (QHPs), effective dates of coverage, termination of coverage, cost-sharing reductions, eligibility for advance payments of tax credits for health insurance premiums, and reporting/public posting of QHP drug formularies. Open enrollment periods begin on Nov. 1 of the year prior to the benefit year and end on Jan. 15 of the benefit year, unless extended (with at least 120 days public notice on DOI's website). Other provisions establish the method of calculating and paying the State's monthly user fees assessed to QHP issuers, which are based on the issuer's enrollment through the exchange; update incorporations by reference of the Code of Federal Regulations; and clarify that the date of the incorporation reflects the Federal Register publication date for the most recent amendment to that CFR section.

Questions/requests for copies: Morgan Winters, DOI, 115 S. LaSalle St., Fl. 13, Chicago IL 60603, 773-519-0579, morgan.winters@illinois.gov

FISHING

The DEPARTMENT OF NATURAL RESOURCES adopted amendments to Sport Fishing Regulations for the

Waters of Illinois (17 IAC 810; proposed at 48 Ill Reg 9377) effective 12/30/24 at 49 Ill Reg 436, that clarify how fish length is measured; remove statewide restrictions on fishing within 250 yards of an occupied duck or goose blind during migratory waterfowl seasons; clarify which species and waterways are open to bowfishing or spearfishing; impose a harvest limit of 2 per day on paddlefish and clarify length limits and sorting restrictions for paddlefish and salmon; update site specific regulations; clarify which exemptions to site-specific length and harvest limits may be made for fishing tournaments; and schedule June 13-16, 2025, as DNR's annual Free Fishing Days.

OIL & GAS

DNR also adopted amendments to the Part titled The Illinois Oil and Gas Act (62 IAC 240; proposed at 48 Ill Reg 13121) effective 12/30/24 at 49 Ill Reg 565, implementing Public Act 102-1017 by raising or establishing fees for various activities. The rulemaking imposes a \$100 per well annual fee for wells in Temporary Abandonment status; raises the application fee for a liquid oilfield waste transportation permit from \$100 to \$150; raises fees for drilling a test well or hole from \$300 to \$400 per section; and raises the fee for drilling or converting an observation, storage or service well from \$300 to \$400. Oil and gas producing or drilling companies are affected.

Questions/requests for copies of the 2 DNR rulemakings: Carrie Leitner, DNR, One Natural Resources Way, Springfield IL 62702, 217-782-1809, dnr.rules@illinois.gov

NOTARIES

The SECRETARY OF STATE adopted amendments to the Part titled Notary Public Records (14 IAC 176; proposed at 48 Ill Reg 12154) effective 1/1/25 at 49 Ill Reg 584, implementing Public Acts 103-562 and 103-1009. The rulemaking exempts licensed attorneys in good standing with the Attorney Registration and Disciplinary Commission (ARDC), State and federal court judges, and employees of either who have read and understood the current version of the Illinois Notary Public Act, from the requirement to complete a course of study and pass an examination prior to receiving a notary public commission. The rulemaking also exempts certain nomination and candidacy petitions and papers filed on behalf of a candidate for public office from having to be recorded in the notary's journal. Other provisions require electronic notarization system providers to provide SOS with a cybersecurity plan, business continuity plan, and business termination and succession plan as part of the approval process. Those affected by this rulemaking include attorneys, judges, and their employees who notarize documents.

Questions/requests for copies: Pamela Wright, SOS, 298 Howlett Building, Springfield IL 62756, 217-785-3094, pwright@ilsos.gov

RADIATION EQUIPMENT

The ILLINOIS EMERGENCY MANAGEMENT AGENCY AND OFFICE OF HOMELAND SECURITY adopted amendments to the Part titled Registration and Operator Requirements for Radiation Installations (32 IAC 320; proposed at 48 Ill Reg 14073) effective 12/27/24 at

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Adopted Rules

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49 Ill Reg 406, that: include a Purpose and Scope section to clarify that all locations or facilities with machines producing ionizing radiation are regulated under this Part; add relevant definitions; add provisions for radiation machines brought to Illinois temporarily (no more than 180 days

per year) from out of State; and align technology of radiation machines and their associated radiation hazards with the annual registration fees (which are unchanged). Radiation installations must ensure their registration is updated prior to the annual billing of fees. The Agency is also exempting from registration requirements any machines that are provided only for temporary use or that have been claimed by a financial

institution in a bankruptcy, foreclosure or other legal process. Businesses that operate regulated radiation machines are affected.

Questions/requests for copies: Traci Burton, IEMA-OHS, 1035 Outer Park Drive, Springfield IL 62704, 217-785-9860, Traci.Burton@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 February 4, 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.

DEPT OF HUMAN SERVICES

Permanent Supportive Housing and Bridge Subsidy Model for Persons with Mental Illness (59 IAC 145; 48 Ill Reg 15255)
proposed 11/1/24

DEPT OF HEALTHCARE AND FAMILY SERVICES

Medical Assistance Programs (89 IAC 120; 48 Ill Reg 15183)
proposed 11/1/24

Medical Assistance Programs (89 IAC 120; 48 Ill Reg 15718)
proposed 11/8/24

Next JCAR Meeting: Tuesday, Jan. 14, 11 a.m.

Room C-600, Bilandic Bldg., 160 N. LaSalle St., 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 Sue Rezin

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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