

# THE FLINN REPORT

ILLINOIS GENERAL ASSEMBLY  
JOINT COMMITTEE ON ADMINISTRATIVE RULES

Elaine Spencer, Editor

VOLUME 49

ISSUE 3

January 17, 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 PUBLIC HEALTH adopted amendments to Skilled Nursing and Intermediate Care Facilities Code (77 IAC 300; proposed at 48 Ill Reg 13167 and 48 Ill Reg 13916) effective 12/31/24 at 49 Ill Reg 760, combining two separately proposed rulemakings and implementing several Public Acts. These amendments implement Public Act 102-1095 (Latex Glove Ban Act), which generally prohibits use of latex gloves in food service or in direct care of residents unless the facility is experiencing a shortage or supply interruption of non-latex gloves, in which case non-latex gloves will be prioritized for use upon residents who have known latex allergies or who are unable to communicate whether they have a latex allergy. The rulemaking also implements PA 103-1, which gives DPH greater flexibility in scheduling inspections during a statewide public health emergency; PA 101-116, which

requires closed captioning to be activated at all times on TV sets in common areas and residents' rooms (unless a resident or visitor specifically requests that it be turned off); and PA 102-1080, which requires the following information to be conspicuously posted in a nursing home for viewing by residents, employees, and visitors: phone

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numbers and websites for services that protect and defend residents' rights; a statement that the Illinois Long-Term Care Ombudsman Program is a free resident advocacy service available to the public; and the name, address and phone number of the appropriate State governmental office to which complaints may be directed, plus notice of the facility or program's grievance procedure. Information on how to file complaints or grievances

must be provided to residents in a language and format they can understand. This rulemaking also updates statutory language concerning residents' rights to be treated with courtesy and respect, have their basic needs accommodated in a timely manner, maintain their autonomy as much as possible, and choose whether or not to perform labor or services for the facility. If a resident chooses to perform services for a facility, these services must be part of the resident's plan of care and the resident must be compensated at or above the prevailing wage rate. Facilities must also have internal grievance procedures that state the process to be followed, set time limits for the facility to respond, inform residents of their right to have an advocate, and provide for a third party (which may include the State Long-Term Care Ombudsman) to respond within 25 days if a grievance cannot be

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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.

# Adopted Rules

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resolved by the facility. Records of grievance proceedings must be kept for at least 3 years and made available to DPH upon request.

DPH also adopted amendments to Sheltered Care Facilities Code (77 IAC 330; proposed at 48 Ill Reg 13948) effective 12/31/24 at 48 Ill Reg 802, implementing Public Act 102-1095 (Latex Glove Ban Act) and PA 103-1, which gives DPH greater flexibility in scheduling inspections during a statewide public health emergency. These amendments also add statutory provisions for DPH surveyors to conduct an exit conference with facility management after having investigated a complaint; update provisions for probationary licenses and transfers of ownership; and update incorporations by reference.

DPH adopted amendments to Illinois Veterans' Homes Code (77 IAC 340; proposed at 48 Ill Reg 13193) effective 12/31/24 at 49 Ill Reg 832, implementing PA 103-320, which requires the State Long Term Care Ombudsman to be notified whenever a resident is transferred or discharged on an emergency basis. The rulemaking also requires 60 days (formerly 90 days) notice to DPH and to the Long Term Care Ombudsman when a facility is being wholly or partially closed and more than 10% of its residents must be discharged or transferred.

*Questions/requests for copies of the 3 DPH rulemakings: Tracey Trigillo, DPH, 524 S. Second St., 6<sup>th</sup> Floor, Springfield IL 62701, 217-782-1159, [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)*

## • BUSINESS EXIT SURVEY

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY adopted a new Part titled Business Exit Survey (14 IAC 530; proposed 48 Ill Reg 12686), effective 1/3/25 at 49 Ill Reg 724, implementing Sec. 605-456 of the Department of Commerce and Economic Opportunity Law. The new Part requires DCEO to send a written survey to businesses that are located in or have left Illinois asking why the business left the State and what incentives are needed to keep or attract the business. No later than every July 1, DCEO must make an annual report to the General Assembly on the survey results that includes: the most common responses, by industry and region, that departed businesses cited for leaving Illinois; the cities and states to which these businesses relocated; what incentives would have influenced businesses to remain in the State; and any other information DCEO deems relevant. Businesses that are leaving or have recently left Illinois are affected.

*Questions/requests for copies: Gina Arterberry, DCEO, 1011 S. Second St., Springfield IL 62704-3004, 217-524-8974, [Gina.M.Arterberry@Illinois.gov](mailto:Gina.M.Arterberry@Illinois.gov)*

## • VIDEO GAMING

The ILLINOIS GAMING BOARD adopted an amendment to Video Gaming (General) (11 IAC 1800; proposed at 48 Ill Reg 10972) effective 12/31/24 at 49 Ill Reg 728, that aligns the definition of a video gaming terminal in this Part with the definition contained in the Video Gaming Act. The rulemaking permits "insertion of cash, electronic cards or vouchers, or any combination thereof" (previously, only cash) in a video gaming terminal to place a wager. Video gaming terminal operators and licensed video gaming locations are affected.

## CASINO GAMBLING

IGB also adopted an amendment to Riverboat and Casino Gambling (86 IAC 3000; proposed at 48 Ill Reg 12120) effective 12/31/24 at 49 Ill Reg 747 that allows the IGB Administrator to approve a casino owner's request to issue chips in a denomination other than those previously specified in rule, which ranged from 25 cents to \$5,000. (Formerly, the rule did not allow for chips to be issued in denominations greater than \$5,000.)

*Questions/requests for copies of the 2 IGB rulemakings: Daniel Gerber, IGB, 160 N. LaSalle St., Chicago IL 60601, 312-814-4700, fax 312-814-7253, [IGB.RuleComments@illinois.gov](mailto:IGB.RuleComments@illinois.gov)*

## CAPITOL COMPLEX PARKING

The SECRETARY OF STATE adopted amendments to the Part titled Collection of Fees (92 IAC 1003; proposed at 48 Ill Reg 8323) effective 1/2/25 at 49 Ill Reg 846, that establish a process for collecting fees related to parking citations at the Capitol Complex. Persons who receive citations for unauthorized parking in spaces that require a permit and do not pay the \$50 fine will receive two notices, 30 days apart, by regular mail. If the fine is not paid within 15 days after the date of the first notice, the person's vehicle registration will be tagged and cannot be renewed until the fine is paid. If the fine is not paid within 30 days of the second notice, the vehicle registration will be suspended, unless the vehicle owner shows that the amount of the fine is in dispute, that good faith efforts to pay the fine have been made, or that the amount owed is \$5 or less.

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

# JCAR Meeting Action

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At its 1/14/25 meeting, the Joint Committee on Administrative Rules approved the following actions. Proposed rulemakings from this agenda that are not listed below received No Objection and may be adopted by their agencies. Emergency rules not acted upon at this meeting may be reconsidered at later meetings.

## OBJECTION

JCAR objects to the Department of Revenue's emergency rulemakings titled Income Tax (86 IAC 100; 48 Ill Reg 17848) and Illinois Gives Tax Credit Act (86 IAC 1050; 48 Ill Reg 18291) because the Department did not state, in writing, why an emergency exists that requires the adoption of a rule in fewer days than is required by the general rulemaking process in Section 5-45 of the Illinois Administrative Procedure Act.

## RECOMMENDATION

With regard to the Department of Healthcare and Family Services rulemaking titled Medical Assistance Programs (89 Ill. Adm. Code 120; 48 Ill. Reg. 14436) JCAR recommends that the Department be more timely in implementing State Plan Amendments in rule. State Plan Amendment 23-0010, implemented in this rulemaking, was approved on 1/12/24.

## EXTENSIONS

JCAR, with the concurrence of the respective agencies, extended the Second Notice periods for the following rulemakings an additional 45 days. These rulemakings will be considered again at the Feb. 4 JCAR meeting.

Department of Healthcare and Family Services, Medical Payment (89 IAC 140; 48 Ill Reg 14451)

Office of the State Fire Marshal, Sprayed Fire-Resistant Material Applicator Registration Rules (41 IAC 255; 48 Ill Reg 12707)

Department of Natural Resources, Youth and Young Adult Conservation and Education Pilot Program (17 IAC 3085; 48 Ill Reg 14516)

State Universities Retirement System, Universities Retirement (80 IAC 1600; 48 Ill Reg 10992)

Teachers' Retirement System, The Administration and Operation of the Teachers' Retirement System (80 IAC 1650; 48 Ill Reg 14939)

# Second Notices

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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. Further comments concerning these rulemakings should be addressed to JCAR at [jcar@ilga.gov](mailto:jcar@ilga.gov).

## DEPT OF FINANCIAL AND PROFESSIONAL REGULATION

Real Estate Appraiser Licensing (68 IAC 1455; 48 Ill Reg 15174) proposed 11/1/24

Registered Surgical Assistant and Registered Surgical Technologist Title Protection Act (68 IAC 1485; 48 Ill Reg 14228) proposed 10/4/24

## DEPT OF HUMAN SERVICES

Alcoholism and Substance Abuse Treatment and Intervention Licenses (Repealer) (77 IAC 2060; 48 Ill Reg 5389) proposed 4/12/24

Substance Use Disorder Treatment and Intervention Services (New Part) (77 IAC 2060; 48 Ill Reg 5484) proposed 4/12/24

## DEPT OF REVENUE

Income Tax (86 IAC 100; 48 Ill Reg 15762) proposed 11/8/24

Retailers' Occupation Tax (86 IAC 130; 48 Ill Reg 15268) proposed 11/1/24

Service Occupation Tax (86 IAC 140; 48 Ill Reg 15283) proposed 11/1/24

Home Rule County Retailers' Occupation Tax (86 IAC 220; 48 Ill Reg 15290) proposed 11/1/24

Home Rule County Service Occupation Tax (86 IAC 230; 48 Ill Reg 15296) proposed 11/1/24

Home Rule Municipal Retailers' Occupation Tax (86 IAC 270; 48 Ill Reg 15302) proposed 11/1/24

Home Rule Municipal Service Occupation Tax (86 IAC 280; 48 Ill Reg 15308) proposed 11/1/24

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# Second Notices

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Regional Transportation Authority Retailers' Occupation Tax (86 IAC 320; 48 Ill Reg 15314) proposed 11/1/24

Regional Transportation Authority Service Occupation Tax (86 IAC 330; 48 Ill Reg 15321) proposed 11/1/24

Metro East Mass Transit District Retailers' Occupation Tax (86 IAC 370; 48 Ill Reg 15327) proposed 11/1/24

Metro East Mass Transit District Service Occupation Tax (86 IAC 380, 48 Ill Reg 15333) proposed 11/1/24

Metro-East Park and Recreation District Retailers' Occupation Tax (86 IAC 395; 48 Ill Reg 15339) proposed 11/1/24

Metro-East Park and Recreation District Service Occupation Tax (86 IAC 396; 48 Ill Reg 15345) proposed 11/1/24

Motor Fuel Tax (86 IAC 500; 48 Ill Reg 15350) proposed 11/1/24

Environmental Impact Fee (86 IAC 501; 48 Ill Reg 15367) proposed 11/1/24

Special County Retailers' Occupation Tax for Public Safety (86 IAC 670; 48 Ill Reg 15371) proposed 11/1/24

Special County Service Occupation Tax for Public Safety (86 IAC 680; 48 Ill Reg 15377) proposed 11/1/24

Salem Civic Center Retailers' Occupation Tax (86 IAC 690; 48 Ill Reg 15383) proposed 11/1/24

Salem Civic Center Service Occupation Tax (86 IAC 691; 48 Ill Reg 15388) proposed 11/1/24

Non-Home Rule Municipal Retailers' Occupation Tax (86 IAC 693; 48 Ill Reg 15393) proposed 11/1/24

Non-Home Rule Municipal Service Occupation Tax (86 IAC 694; 48 Ill Reg 15401) proposed 11/1/24

## **Next JCAR Meeting: Tuesday, Feb. 4, 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 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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