

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

EDUCATOR LICENSURE

The ILLINOIS STATE BOARD OF EDUCATION proposed amendments to the Part titled Educator Licensure (23 IAC 25; 49 Ill Reg 964) reflecting recent Public Acts and other updates. This rulemaking adds new endorsements for dual high school/college credit teaching in grades 11 and 12 for biology, calculus, English composition, English literature, general math, history, psychology, speech, and statistics. It also extends a Section concerning supplemental documentation and review of certain licensure applications to include applications for endorsements and other credentials, and adds statutory provisions prohibiting alteration or misrepresentation of credentials during the application process. If the State Superintendent has reason to believe an applicant has knowingly altered or misrepresented their qualifications, a committee of ISBE

staff will review the application and decide, based on a preponderance of the evidence, whether or not the applicant's qualifications are acceptable. ISBE may offer the applicant an opportunity to appear at an informal hearing (either in person or by video conference) after the applicant has submitted all requested documentation. Other provisions

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remove a Section that permits the State Superintendent to initiate licensure actions against educators with unsatisfactory performance ratings; extend short-term licensure of paraprofessionals through 6/30/26; add a definition of "official transcript" that includes electronic as well as paper records; require the content area test (for endorsement in a particular subject) to be taken prior to receiving the Professional Educator License (PEL) instead of prior to

beginning student teaching or residency; and update the incorporated standards for proficiency in world languages. Service providers that evaluate credentials earned outside the United States for purposes of Illinois licensure must confirm that they use official transcripts in their evaluations. Finally, obsolete provisions that delayed content area tests during the COVID-19 public health emergency are removed.

Questions/requests for copies/comments through 3/10/25: Azita Kakvand, ISBE, 555 W. Monroe St., Suite 900, Chicago IL 60661, 312-783-2757, rules@isbe.net

HEALTH FACILITIES

The HEALTH FACILITIES AND SERVICES REVIEW BOARD proposed amendments to the Part titled Health Facilities and Services Review Opera-

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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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tional Rules (77 IAC 1130; 49 Ill Reg 1032) that are effective 7/1/25 for new applications, applications in the review process, and projects for which permits or exemptions have been issued but are not completed. 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 current threshold is \$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 (currently \$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. Health facilities seeking

permits to build or renovate are affected.

Questions/requests for copies/comments through 3/10/25: Donald Jones, HFSRB, 525 W. Jefferson St., 2nd Floor, Springfield IL 62761, 217-782-3516, dph.hfsrb.rules@illinois.gov

NURSE EDUCATION

The BOARD OF HIGHER EDUCATION proposed amendments to Nurse Educator Fellowship Program (23 IAC 1105; 49 Ill Reg 1097) that update various aspects of the program. The rulemaking updates eligibility criteria to include persons with at least a master's degree who are employed in "at least a .50 full time equivalent" nursing faculty position (currently, must be full-time) at an eligible institution and who did not receive the fellowship in the past year (currently, past 5 years). Applicants may apply every 2 years (currently every 5 years), for a maximum award of \$25,000 (currently \$10,000). Applicants must also provide a fellowship plan that addresses the fellowship's impact on traditionally underserved students and communities, including but not limited to, rural low-income, and culturally and linguistically diverse populations. Nursing schools and nursing education program faculty are affected.

Questions/requests for copies/comments through 3/10/25: David A. Kelm, BHE, 1 North Old State Capitol Plaza, Suite 333, Springfield IL 62701-1377, 217-866-1428, kelm@ibhe.org

SHELTERED CARE

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Sheltered Care Facilities Code (77 IAC 330; 49 Ill Reg 1124) updating the Part to align with changes in statute and policy. The

rulemaking implements Public Act 103-691, under which facilities that are only partially Medicaid-certified may discharge a resident from the non-Medicaid-certified portion of the facility for inability to self-pay only if: the resident and/or their representative was informed at the time of admission and at each contract renewal that the resident could be discharged for inability to pay, and the resident or representative acknowledged receiving this information in writing. If the resident has been covered by Medicare, the facility must notify the resident or representative at least 5 days before the 100-day Medicare benefit period ends. The rulemaking also implements Public Act 103-776, which requires both the current and prospective owners of facilities that are changing ownership to submit to DPH for approval, at the same time that DPH is notified of the pending transfer of ownership, a transition plan explaining how resident care and appropriate staffing levels will be maintained during the transition period. If any resident suffers harm due to failure of the transition plan, the facility will receive a "high risk" designation and the party that failed to carry out their responsibility under the transition plan will be cited for a violation.

Questions/requests for copies/comments through 3/10/25: Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield IL 62701, 217-782-1159, dph.rules@illinois.gov

EARLY INTERVENTION

The DEPARTMENT OF HUMAN SERVICES proposed amendments to Early Intervention Program (89 IAC 500; 49 Ill Reg 1105) that allow complaints, requests for due process hearings, and requests for mediation

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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/comments through 3/10/25: Tracie Drew, DHS, 100 S. Grand Ave.

East, Harris Bldg. 3rd Floor, Springfield IL 62762, 217-785-9772, DHS.AdministrativeRules@illinois.gov

STATE EMPLOYEES

The CIVIL SERVICE COMMISSION proposed amendments to the Part titled Civil Service Commission (80 IAC 1; 49 Ill Reg 957) that clarify conditions for the use of e-mail to file appeals and related documents in contested hearings. The rulemaking also replaces existing language regarding cause for discharge with a cross reference to the

Department of Central Management Services' standard in 80 IAC 302.700. State employees appealing discharges or other employment actions to the CSC are affected.

Questions/requests for copies/comments through 3/10/25: Andrew Barris, CSC, 607 E. Adams St., Suite 801, Springfield IL 62701, 217-782-7373, Andrew.barris@illinois.gov

Adopted Rules

• MOVERS

The ILLINOIS COMMERCE COMMISSION adopted amendments to the Part titled Household Goods Carriers (92 IAC 1457; proposed 48 Ill Reg 12972) effective 1/9/25 at 49 Ill Reg 1149, implementing recommendations from a recent public workshop. These amendments clarify and update various aspects of ICC's rules for licensing moving companies that pack and transport furniture and other household goods. An applicant for a household goods moving license must publish notice of their application in an official State newspaper and file a certificate of publication with ICC. An application for a new license is considered to be an application for both temporary authority and a permanent license. Temporary authority to operate may be granted for up to 1 year while the applicant awaits a permanent license. During this period, the applicant is subject to a compliance audit and a review of any and all consumer complaints. Noncompliance with these rules will prompt ICC Staff to recommend that the Motor Carrier

Employee Board deny a permanent license. Expiration of temporary authority will be stayed while a denial is being appealed. Other provisions allow required forms to be submitted electronically and to be presented to law enforcement in an electronic format; clarify the documentation to be submitted with a license application and to show proof of required insurance coverage; limit carrier liability for loss or damage to the greater of 60 cents per pound per article (previously, \$2 per pound per shipment) or the lump sum value declared in writing by the shipper; define a short haul shipment, outside of the Chicago area, as a move of no more than 50 (previously 35) miles for purposes of determining whether a photo or video inventory is required; allow interns or trainees to be employed on a move provided that the shipper is not charged for their use; prohibit any unlicensed carrier from advertising themselves as offering moving services; and update information to be included on a bill of lading. Changes since 1st Notice include a provision that gives movers 6 months after the effective date of a

change in these rules to amend their tariffs and forms to reflect the change. Moving companies operating in Illinois are affected by this rulemaking.

Questions/requests for copies: Greg Stucka, ICC, 527 E. Capitol Ave., Springfield IL 62701, 217-524-4227, Greg.stucka@illinois.gov

WATER TREATMENT

The ILLINOIS EMERGENCY MANAGEMENT AGENCY AND OFFICE OF HOMELAND SECURITY adopted an amendment to the Part titled Licensing of Radioactive Material (32 IAC 330; proposed at 48 Ill Reg 10771) effective 1/8/25 at 49 Ill Reg 1196, removing a subsection concerning water treatment residuals, the requirements for which have been moved to 32 IAC 622.

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. Further comments concerning these rulemakings should be addressed to JCAR at jcar@ilga.gov.

DEPT OF COMMERCE AND ECONOMIC OPPORTUNITY

Illinois Works Jobs Program Act (14 IAC 680; 48 Ill Reg 14089) proposed 7/19/24

IL ENVIRONMENTAL PROTECTION AGENCY

Accreditation of Environmental Laboratories (35 IAC 186; 48 Ill Reg 15011) proposed 10/25/24

DEPT OF HEALTHCARE AND FAMILY SERVICES

Hospital Services (89 IAC 148; 48 Ill Reg 15982) proposed 11/15/24

Diagnosis Related Grouping (DRG) Prospective Payment System (PPS)(89 IAC 149; 48 Ill Reg 15183) proposed 11/1/24

LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

Rules of Procedure in Administrative Hearings (20 IAC 1790; 48 Ill Reg 14491) proposed 10/11/24

SECRETARY OF STATE

Issuance of Licenses (92 IAC 1030; 48 Ill Reg 13327) proposed 9/6/24

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

Kim Schultz, Executive Director ■ Kevin Kulavic, Deputy Director

700 Stratton Office Building, Springfield IL 62706

217-785-2254 ■ jcar@ilga.gov