

# 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

### ▪ CAMPAIGN FINANCING

The STATE BOARD OF ELECTIONS proposed amendments to the Parts titled Campaign Financing (26 IAC 100; 49 Ill Reg 1642) and Practice and Procedure (26 IAC 125; 49 Ill Reg 1657) that clarify enforcement procedures under Section 9-35 of the Election Code and Section 20-160 of the Illinois Procurement Code. These rulemakings affect business entities with more than \$50,000 in aggregate State contracts or pending bids/proposals, who are obligated to register with SBEL before making contributions to any candidate or political committee. Amendments to Part 100 clarify how affected business entities ensure that their SBEL registration remains up to date, and under what circumstances the registration obligation ceases. Persons who are aware of an intentional, material or willful failure on the part of a business to disclose information to SBEL may file complaints with the

Board, which may impose a civil penalty on the violator and also may waive or reduce the penalty for good cause shown. Prescribed penalty amounts in current rule (up to \$5,000 per occurrence) are removed. The Part 125 rulemaking clarifies that complaints against business entities for failure to register with SBEL must

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be directed to the registered agent or chief executive officer of the business. Businesses that have or seek State contracts and make political contributions may be affected by these rulemakings.

*Questions/requests for copies/comments on the 2 SBEL rulemakings through 3/31/25: H. Poyer, SBEL, 2329 S. MacArthur Blvd., Springfield IL 62704, 217-782-4141, [GeneralCounsel@elections.il.gov](mailto:GeneralCounsel@elections.il.gov)*

### ▪ COSMETOLOGY

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to the Part titled The Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985 (68 IAC 1175; 49 Ill Reg 1664) implementing PAs 103-675 and 103-851. The rulemaking establishes experience and education requirements for teachers currently licensed under the Act to obtain an additional teacher license under this Act and requires 1 hour continuing education for all licensees regarding abnormal skin growths (which may be signs of skin cancer). Curriculum requirements for barbers and for cosmetologists are expanded to include training in diverse hair types and textures. Other provisions remove a requirement that nail technicians and nail technology teachers licensed in another state and

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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)

seeking Illinois licensure by endorsement also pass the Illinois nail technology exam, and update other provisions related to continuing education. Persons who perform or teach hair styling, hair braiding, skin care and manicuring are affected.

## • ENGINEERING

DFPR also proposed amendments to The Structural Engineering Practice Act of 1989 (68 IAC 1480; 49 Ill Reg 1700) that remove 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; states requirements for design firms to place licenses in inactive status; and updates an appendix listing the historical changes in Illinois structural engineering licensure rules. Structural engineers and their employers are affected.

*Questions/requests for copies/comments on the 2 DFPR rulemakings through 3/31/25: Craig Cellini, DFPR, 320 W. Washington St., Springfield IL 62786, 217-785-0810, fax 217-557-4451, [Craig.Cellini@illinois.gov](mailto:Craig.Cellini@illinois.gov)*

## TANF BENEFITS

The DEPARTMENT OF HUMAN SERVICES proposed an amendment to Temporary Assistance for Needy

# Emergency Rule

## • FLOODPLAIN DEVELOPMENT

The DEPARTMENT OF NATURAL RESOURCES adopted a new Part by emergency rulemaking titled Floodplain Development Requirements for State Owned Properties (17 IAC 3710; 49 Ill Reg 1883), effective 1/30/25 for a maximum of 150 days. Identical proposed amendments also appear in this week's *Illinois Register* at 49 Ill Reg 1772. The emergency and proposed rulemakings implement Public Act 103-905, which effective 1/1/25, requires all State agencies to obtain a Special Flood Hazard Area Development Permit from DNR prior to any construction project or other development in a flood plain. The new Part establishes the DNR permitting process 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, nursing home, corrections facility) must have its lowest floor elevated or structurally 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 within 18 months. Other provisions address required application information, variances, required reports and documentation of a project, historic structures, and suspensions of permits. Those affected by this emergency rule include contractors and builders working on State projects located in flood areas.

*Questions/requests for copies/comments on the proposed rulemaking through 3/31/25: Nicole Thomas, DNR, One Natural Resources Way, Springfield IL 62702, 217-782-1809, [dnr.rules@illinois.gov](mailto:dnr.rules@illinois.gov)*

Families (89 IAC 112; 49 Ill Reg 1758) implementing Public Act 103-8, which raises the maximum benefit for TANF recipients from 30% to 35% of the Federal Poverty Level for their household size. The rulemaking also replaces a list of maximum monthly payment levels by household size and program (child-only or children plus caretaker relative) with a link to the DHS website where the current payments are listed.

## DISABILITY ACCESS

DHS also proposed amendments to the Part titled Recipient Rights (59 IAC 111; 49 Ill Reg 1744) updating Sections

that concern mental health and developmental disability facility services for persons with hearing loss and non- or limited-English speaking individuals. The rulemaking updates statutory citations and definitions, adds references to licensed interpreters for persons with hearing loss, and makes technical corrections.

*Questions/requests for copies/comments on the 2 DHS rulemakings through 3/31/25: Tracie Drew, DHS, 100 S. Grand Ave. East, Harris Building, 3rd Floor, Springfield IL 62762, 217-785-9772, [DHS.AdministrativeRules@illinois.gov](mailto:DHS.AdministrativeRules@illinois.gov)*

# Adopted Rules

## SCHOOL CONSTRUCTION

The ILLINOIS STATE BOARD OF EDUCATION adopted amendments to Health/Life Safety Code for Public Schools (23 IAC 180; proposed at 48 Ill Reg 10067) effective 1/30/25 at 49 Ill Reg 1774, that require school districts to use the 2024 International Building Code (IBC) for any projects with design contracts executed on or after 1/1/25. The rulemaking also clarifies that existing facilities remain in compliance with the building code in effect at the time they were constructed, and also clarify exceptions from the 2024 IBC that apply in certain instances. A chart in Appendix A is updated to present the codes that were in effect over the years to assist school districts in determining which code applies. Other provisions update storm shelter design and construction codes; remove outdated references to approved inspection agencies, forms used in the application process, and cost estimation resources; increase application fees for plan reviewers and inspectors; provide an option for architects/districts to submit building plans to regional superintendents electronically; update and streamline the process for approval of emergency fire prevention and safety financing; and update rule language and references.

*Questions/requests for copies: Azita Kakvand, ISBE, 555 W. Monroe St., Suite 900, Chicago IL 60661, 312-783-2757, [rules@isbe.net](mailto:rules@isbe.net)*

## MEDICAID COVERAGE

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted an amendment to Medical Assistance Programs (89 IAC 120; proposed at 48 Ill Reg 14436) effective 1/30/25 at 49 Ill Reg 1803, implementing a State Plan Amendment and a federal

requirement. This rulemaking provides Medicaid coverage to former foster children ages 18 through 25 who reside in Illinois and were receiving medical assistance under any state's Medicaid State Plan or waiver through their 18<sup>th</sup> birthday, or their 21<sup>st</sup> birthday if their wardship was continued by a court for good cause. Persons who were not Illinois residents when they aged out of foster care do not qualify for this coverage unless they turned 18 on or after 1/1/23.

## MEDICAL PAYMENT

HFS also adopted amendments to Medical Payment (89 IAC 140; 48 Ill Reg 14863 and 15203), effective 1/30/25 at 49 Ill Reg 1819, that combine two separately proposed rulemakings. One amendment updates the nonexempt resource limit for an individual, as referenced in Sec. 140.518 (governing facility management of funds for long term care residents), from \$2,000 to \$17,500 to align with the limit established in 89 IAC 120.38. The other amendment implements PA 103-639, which requires, effective 7/1/24, coverage of continuous glucose monitors when they are ordered by a provider who is a physician, a nurse practitioner, or a physician assistant acting under a collaborative agreement with a physician; are prescribed to persons with diabetes who meet coverage requirements, or persons with gestational diabetes; and are prescribed to patients who do not need intensive insulin therapy or who do not have a recent history of emergency treatment or hospital visits for hypoglycemia, hyperglycemia, or ketoacidosis. A continuous glucose monitor may also be ordered on a case by case basis for diabetic patients who do not meet coverage requirements

when deemed medically necessary by the healthcare provider. Prior approval is required and is valid for 12 months once the continuous glucose monitor is prescribed. Since 1<sup>st</sup> Notice, HFS has clarified that the basic coverage requirements for persons with diabetes are contained in the Illinois Insurance Code; that the prescribing practitioner need not have any specific continuing education or training (outside of what is required for license renewal) in order to prescribe a continuous glucose monitor; and that prior approval is required for all continuous glucose monitors prescribed to medical assistance recipients.

## NURSING HOMES

Finally, HFS adopted an amendment to the Part titled Reimbursement for Nursing Costs for Geriatric Facilities (89 IAC 147; proposed at 48 Ill Reg 15231) effective 1/30/25 at 49 Ill Reg 1849, implementing PA 103-1118 by increasing the existing Medicaid Access Adjustment on the Patient Driven Payment Model (PDPM) from \$4.00 to \$4.75 per day, for dates of service on or after 1/1/23, for all facilities for which Medicaid bed days account for at least 70% of all annual occupied bed days.

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

## INCOME TAX

The DEPARTMENT OF REVENUE adopted amendments to Income Tax (86 IAC 100; 48 Ill Reg 14887) effective 1/31/25 at 49 Ill Reg 1861, implementing Public Acts 103-5952

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# Adopted Rules

(cont. from page 3)

and 103-595 by adding provisions for eligible taxpayers to claim the Quantum Computing Campuses Tax Credit, the Live Theater Production Tax Credit and the Local Journalism Sustainability Tax Credit. In each case,

the taxpayer must have been deemed eligible for the credit by the Department of Commerce and Economic Opportunity and must attach a copy of the DCEO tax credit certificate to their return. These credits cannot reduce the taxpayer's total tax liability to zero or less. Businesses affected by this rulemaking include data centers, computer

research or parts manufacturing facilities, live theater production companies and local news organizations.

*Questions/requests for copies: Jennifer Uhles, DOR, 101 W. Jefferson St., MC5-500, Springfield IL 62794, 217-782-2844, [REV.GCO@illinois.gov](mailto:REV.GCO@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 March 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](mailto:jcar@ilga.gov).

### DEPT OF CENTRAL MANAGEMENT SERVICES

Acquisition, Management and Disposal of Real Property (44 IAC 5000; 48 Ill Reg 15946) proposed 11/15/24

### DEPT OF FINANCIAL AND PROFESSIONAL REGULATION

Nurse Practice Act (68 IAC 1300; 48 Ill Reg 13019) proposed 9/6/24

## Next JCAR Meeting: Tuesday, March 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 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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