

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

HOST HOMES

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES proposed a new Part titled Licensing Standards for Host Homes (89 IAC 413; 49 Ill Reg 1914) implementing Public Act 102-688. The PA and the new Part establish licensure requirements and oversight for temporary foster homes serving youth (ages 11 through 17) in the Department of Human Services' Comprehensive Community-Based Youth Services Program (CCBYS) who are at risk of involvement in the child welfare or juvenile justice system. A host home receives CCBYS youth in need of an emergency placement due to a family crisis or other issue. No more than 6 children, including the host family's own biological or adopted children, may reside in a host home. Host home licenses must be renewed every 4 years. A host home that is not currently accepting emergency placements but remains in compliance with this Part can be

placed in non-active status. Host homes must complete an application and screening process and meet DCFS-established standards for safety, cleanliness, personal space, background checks for household members, and in-service training comparable to those required of regular foster homes. Host homes will

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also undergo monitoring visits by the supervising agency unless the home is in inactive status. Host families are expected to treat children who are placed with them equitably with other children in the household; encourage regular school attendance and participation in extracurricular activities of their choice; respect the youth's religious practice; and treat LGBTQIA+ youth in a non-judgmental, empathetic, and respectful manner. This includes respecting their

expression of gender identity in their chosen names and pronouns, clothing, hairstyle, makeup, choice of friends, and activities within appropriate boundaries, and protecting their right to confidentiality concerning their sexual orientation or gender identity. Finally, criminal offenses that categorically prevent host home licensure are listed, along with criminal offenses that bar licensure unless the applicant applies for and receives a waiver.

DCFS FACILITIES

DCFS also proposed amendments to the Part titled Public Notice of Change in License (89 IAC 376; 49 Ill Reg 1907) implementing updates to the Child Care Act of 1969 that have taken place since this Part was last amended in 1999. The definition of a child care institution is expanded to include institutions established under the

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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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Specialized Mental Health Rehabilitation Act of 2013, the ID/DD Community Care Act (Intermediate Care Facilities for the Developmentally Disabled), or the MC/DD Act (Medically Complex for the Developmentally Disabled). If a child care institution, maternity center or group home requests a change in services offered or type of children served, DCFS must post public notice of the request in a newspaper of general circulation serving the affected area for at least 3 consecutive weeks, and accept public comments until 5 working days after the final publication of the notice. A request to change the ages of children served or the area within the facility that will be used by children will be posted on DCFS' website for 30 days. DCFS must notify the facility of its decision to approve or deny the requested changes within 10 days after the final publication of the notice. The rulemaking also updates the mailing address at which DCFS receives public comments. Child care institutions are affected by this rulemaking.

Questions/requests for copies/comments on the 2 DCFS rulemakings through 4/7/25: Tamara Bristow, DCFS, 406 E. Monroe St., Station #65-D, Springfield IL 62701, 217-524-1983, Email: DCFS.Policy@illinois.gov

OUTPATIENT PROCEDURES

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Ambulatory Surgical Treatment Center Licensing Requirements (77 IAC 205; 49 Ill Reg 1958) expanding the range of cardiac

Emergency Rule

▪ IMMIGRANT HEALTHCARE

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted emergency amendments to Special Eligibility Groups (89 IAC 118; 49 Ill Reg 2214) effective 2/5/24 for a maximum of 150 days. These emergency amendments renew the following enrollment and cost limitations that HFS has imposed on the Health Benefits for Immigrant Adults (HBIA) and Health Benefits for Immigrant Seniors (HBIS) programs: publishing notice of opening or closing of enrollment on the HFS website at least 14 days in advance of the action (HFS has closed new enrollment in HBIA since 6/30/23 and in HBIS since 11/6/23); authorizing (but not requiring) providers to charge copayments of up to \$250 for inpatient hospital stays and 10% of the Department's rate for hospital outpatient and ambulatory surgical treatment center services, unless these services meet HFS' definition of emergency treatment; eliminating backdated medical coverage for 3 months prior to the application date; and requiring large public hospitals to reimburse the Department for HBIA and HBIS payments made in excess of the rates paid to non-public hospitals. Healthcare providers participating in these programs may be affected.

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

services that can be offered at an ASTC and aligning the Part with current statutory requirements for provisional licenses. The rulemaking allows therapeutic and interventional cardiac catheterization procedures (including coronary angioplasty and pacemaker implantation) that have been approved by the federal Centers for Medicare and Medicaid Services to be performed in ASTCs that meet specified requirements for clinical staffing, accreditation, quality review, and emergency preparedness, and are located within 30 minutes driving time of a hospital that can perform cardiac surgery. (Current rule permits only diagnostic catheterization procedures to be performed at an ASTC.) A provisional license may be issued to an ASTC that does not substantially comply with the ASTC Licensing Act provided that the facility is working toward compliance and the health and

safety of patients is not compromised. If an ASTC must suspend operations for more than one day due to a natural or human-caused disaster or business-related matters, it must notify DPH and the Health Facilities and Services Review Board (HFSRB) and cannot resume operations without DPH approval. The notification must include a projected date for resumption of operations. A facility that is closing permanently must notify DPH at least 90 days in advance of the closure and include provisions for preserving patient and personnel records. ASTCs are affected by this rulemaking.

Questions/requests for copies/comments through 4/7/25: Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield IL 62701, 217-782-1159, dph.rules@illinois.gov

Adopted Rules

▪ SALES TAX

The DEPARTMENT OF REVENUE adopted amendments to Retailers' Occupation Tax (86 IAC 130; proposed at 48 Ill Reg 13979 and 14233) effective 2/5/25 at 49 Ill Reg 2107, combining two separately proposed rulemakings. These amendments expand the minimum requirements for records to be retained by a retailer to include (in addition to cash register tapes) point-of-sale system printouts and other transaction-level data used to prepare monthly, quarterly, or annual returns. "Transaction level" means that the date, invoice/transaction number, description of items sold, selling price, and amount of tax or proper exemption status for every transaction must be included. Other required documents include bank statements for all accounts associated with the business; federal income tax returns and sales tax returns and all documents used to prepare them; monthly statements supporting all Forms 1099-K received from marketplace facilitators and payment processors (e.g., Amazon, PayPal); logs of all cash disbursements to employees, vendors, and others; documentation for tax-exempt and other non-taxable receipts; for sales that require delivery, the purchaser's name and complete address, plus the address to which the delivery was made (if different); records required pursuant to a prior audit; and any other records that DOR may request for verification. The rulemaking also specifies that a taxpayer has 30 (changed since 1st Notice from 15) days to respond to a second Information Document Request from DOR (when the taxpayer has failed to respond within 30 days after the initial request) and that failing to take reasonable steps to safeguard books and records against the elements, or

producing records that are illegible or unsafe to handle, shall be considered a failure to produce books and records. Persons receiving a notice of penalty have 60 days (previously 20 days) to request an appeal hearing. If penalties and interest exceed \$15,000, the taxpayer has 60 days to file a petition with the Independent Tax Tribunal. Other provisions update language consistent with modern technology for recordkeeping, and clarify what is required for documenting deductions. The rulemaking also exempts from sales tax, effective 1/1/24, electrical power generation equipment that is used primarily (defined as more than 50% of the time) for production agriculture. This exemption applies only to generating equipment that is used for specialty heating or lighting equipment (e.g., incubators, grow lights) and not for general heating, lighting or ventilation. It also clarifies how the exemption for farm machinery and equipment is applied to All-Terrain Vehicles (ATVs) and tractors. Other provisions clarify exemptions for farm chemicals, delete outdated terms and provisions, and reformat existing language. Those affected by this rulemaking include retailers subject to sales tax, farmers, ranchers, and growers.

Questions/requests for copies: Kimberly Rossini, DOR, 101 W. Jefferson St., Springfield IL 62794, 217-782-2844, rev.gco@illinois.gov

▪ SENIOR SERVICES

The DEPARTMENT ON AGING adopted amendments to the Part titled Older Americans Act Programs (89 IAC 230; proposed at 48 Ill Reg 2731) effective 2/4/25 at 49 Ill Reg 1984. This rulemaking introduces a definitions Section that defines terms such as Area Agency on Aging (AAA), area

plan, means test, multipurpose senior center, and other terms commonly used in relation to DonA programs. It also updates provisions related to nutrition programs, which now can include nutrition counseling and education in addition to congregate and home delivered meals. Nutrition services providers must provide congregate or home delivered meals at least 5 days per week (except in rural areas where this frequency is not feasible), train their staff in food safety, and have written emergency plans to ensure continued services (e.g., providing shelf-stable meals, shifting to an alternate distribution site). Other provisions update requirements for home health services and housekeeping services; clarify restrictions on political activity by legal services provider organizations or attorneys; and stipulate that any incorporated rules or standards of a federal government or private agency do not include any amendments or editions beyond the date specified. Agencies that provide senior services are affected.

Questions/requests for copies: Priscilla Chapman, DonA, One Natural Resources Way, Suite 100, Springfield IL 62702-1271, 217-606-1206, aging.rulemaking@illinois.gov

HOSPITALS

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted amendments to Hospital Services (89 IAC 148; proposed at 48 Ill Reg 15982) effective 2/10/25 at 49 Ill Reg 2024, implementing Public Act 102-4 (Healthcare Pillar Bill), State Medicaid Plan Amendment (SPA) 22-0007 and federal regulations at 42 CFR 440.10. The rulemaking establishes a pool of funding of at least \$50 million annually

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Adopted Rules

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to be disbursed among safety-net hospitals that maintain perinatal designation from the Department of Public Health. The amount provided to each hospital is based in part on its number of total delivery admissions compared to total delivery admissions at all qualifying hospitals for each quarterly data period. Other provisions clarify existing HFS billing and payment policy that covered days associated with claims for normal newborn Diagnosis Related Groups 626 and 640 are not eligible for the per diem Medical High Volume Adjustment payments and Medical Percentage Adjustment payments. Per diem adjustment payments for an entire normal newborn birth encounter are paid on the birth parent's claim. The rate for Hospital Long Term Care Days is set at \$318.43 per day effective 1/1/24, and various rate adjustments are made for inpatient rehabilitation hospital services, inpatient psychiatric services, long term acute care services, children's specialty hospitals, Alzheimer's treatment, expensive drugs and devices, graduate medical education, and outpatient services at Critical Access Hospitals. Also, the definitions of a Critical Access Hospital and a Safety-Net Hospital are modified for purposes of determining directed payment classes.

HFS also adopted amendments to Diagnosis Related Grouping (DRG) Prospective Payment System (PPS) (89

IAC 149; proposed at 48 Ill Reg 16045) effective 2/10/25 at 49 Ill Reg 2090, reflecting the FY25 and FY24 Medicaid Omnibus legislation and various State Plan Amendments. The rulemaking includes updated safety net adjustments and qualifying criteria effective through 12/31/25, along with further adjustments effective through 2026. The statewide standardized amount is also increased by 10% effective 1/1/24.

Questions/requests for copies of the 2 HFS rulemakings: Kathy Muse, HFS, 201 S. Grand Ave. East, 3rd Floor, Springfield IL 62763-0002, 217-782-1233, HFS.Rules@illinois.gov

UNIVERSITY EMPLOYMENT

The STATE UNIVERSITIES CIVIL SERVICE SYSTEM adopted amendments to the Part titled State Universities Civil Service System (80 IAC 250; proposed at 48 Ill Reg 14096) effective 1/31/25 at 49 Ill Reg 2164, that add a definition of "Notice of Convening of Hearing" (notice to parties of record in matters of discharge or demotion of the date, time and place of the hearing). Other provisions require that the Executive Director be notified within 3 working days of any notice of layoff or suspension of an employee; clarify other discharge procedures; and clarify how a Designated Employer Representative (DER) is appointed or replaced, or grants or withdraws signature authorization to a designee. Since 1st Notice, SUCSS removed a definition of "Audit Charter" and has

retained the existing definition of an employer.

Questions/requests for copies: Gail Schiesser, SUCSS, 1717 Philo Road, Suite 24, Urbana IL 61802, 217-305-6606, rulemaking@sucss.illinois.gov

ATM LOCATIONS

The OFFICE OF THE TREASURER adopted amendments to the Part titled Banking and Automated Teller Machine Services (74 IAC 600; proposed at 48 Ill Reg 15055) effective 2/5/25 at 49 Ill Reg 2206, implementing Public Act 103-234. These rules govern placement and operation of automated teller machines (ATMs) at State office buildings, tourism centers, the State Fairgrounds and other State property. The rulemaking reflects the statutory dissolution of the Treasurer's Rental Fee Fund and transfer of its funds to the State Treasurer's Banking Services Trust Fund. The rulemaking also updates the address for agencies to request permission to provide ATM services on their properties, changes "automatic" to "automated" teller and replaces the term "operator" with "ATM provider" Since 1st Notice, OST has added statutory text and made other clarifying changes.

Questions/requests for copies: Sara Meek, Office of the Treasurer, 219 State House, Springfield IL 62706, 217-836-0030, fax 217-782-2777, e-mail: SMeek@illinoistreasurer.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. Further comments concerning these rulemakings should be addressed to JCAR at jcar@ilga.gov.

DEPT OF CHILDREN AND FAMILY SERVICES

Services Delivered by the Department of Children and Family Services (89 IAC 302; 48 Ill Reg 16617) proposed 11/22/24

Authorized Child Care Payments (89 IAC 359; 48 Ill Reg 16652) proposed 11/22/24

Licensing Standards for Child Welfare Agencies (89 IAC 401; 48 Ill Reg 16656) proposed 11/22/24

Licensing Standards for Group Homes (89 IAC 403; 48 Ill Reg 16666) proposed 11/22/24

Licensing Standards for Child Care Institutions and Maternity Centers (89 IAC 404; 48 Ill Reg 16671) proposed 11/22/24

Licensing Standards for Youth Transitional Housing Programs (89 IAC 409; 48 Ill Reg 16702) proposed 11/22/24

Licensing Standards for Youth Emergency Shelters (89 IAC 410; 48 Ill Reg 16709) proposed 11/22/24

DEPT OF COMMERCE AND ECONOMIC OPPORTUNITY

Invest in Illinois Incentive Program (14 IAC 125; 48 Ill Reg 6423) proposed 5/3/24

DEPT OF INSURANCE

Prior Notification of Transactions (50 IAC 654; 48 Ill Reg 15261) proposed 11/1/24

Required Procedure for Consumer Complaint Notification (50 IAC 931; 48 Ill Reg 14479) proposed 10/11/24

DEPT OF REVENUE

Retailers' Occupation Tax (86 IAC 130; 48 Ill Reg 17691) proposed 12/13/24

Service Occupation Tax (86 IAC 140; 48 Ill Reg 17725) proposed 12/13/24

GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

Grant Accountability and Transparency Act (44 IAC 7000; 48 Ill Reg 17868) proposed 12/20/24

SECRETARY OF STATE

Regulations Under Illinois Securities Law of 1953 (14 IAC 130; 48 Ill Reg 15409) proposed 11/1/24

Dealers, Wreckers, Transporters and Rebuilders (92 IAC 1020; 48 Ill Reg 14013) proposed 9/20/24

Issuance of Licenses (92 IAC 1030; 48 Ill Reg 14087) proposed 9/27/24

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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