

THE FLINN REPORT

ILLINOIS GENERAL ASSEMBLY
JOINT COMMITTEE ON ADMINISTRATIVE RULES

Elaine Spencer, Editor

VOLUME 49

ISSUE 9

February 28, 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.

Proposed Rulemakings

EMERGENCY MANAGEMENT

The ILLINOIS EMERGENCY MANAGEMENT AGENCY AND OFFICE OF HOMELAND SECURITY proposed amendments to Political Subdivision Emergency Services and Disaster Agencies (29 IAC 301; 49 Ill Reg 2252) that align requirements for emergency operations plans (EOPs) and exercises with the Federal Emergency Management Agency (FEMA) National Preparedness System and Comprehensive Preparedness Guide (CPG) 101. These amendments are intended to assist local emergency management agencies (ESDAs/EMAs) with emerging threats and hazards and increase communication between IEMA-OHS and local jurisdictions. This rulemaking updates relevant definitions and terms including the agency name. It also clarifies various requirements of an emergency management program, including that ESDAs/EMAs must submit the results of their Threat Hazard Identification

and Risk Assessment (THIRA) and updated training plans (Integrated Preparedness Plans) that address vulnerabilities in the THIRA to IEMA-OHS. Other requirements include using an agency-approved assessment tool and taking a whole community approach when updating or creating EOPs. The rulemaking also extends the

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current accreditation cycle and clarifies a 3-year cycle for accreditation; changes dates of submission for THIRA and EOPs to every 3 years; establishes new training hour requirements; adjusts grant program distribution formula and requirements for funding; specifies minimum exercise frequencies including refinements to coordination, planning, and documentation process; incorporates increased flexibility to consider other events for exercise credit; provides for a recovery plan;

and eliminates the certification of non-mandated ESDAs/EMAs. Small municipalities with an ESDA or EMA may be affected.

Questions/requests for copies/comments through 4/14/25: Traci Burton, IEMA-OHS, 1035 Outer Park Drive, Springfield IL 62704, 217-785-9860, Traci.Burton@illinois.gov

SPECIAL EDUCATION

The ILLINOIS PURCHASED CARE REVIEW BOARD proposed amendments to the Part titled Illinois Purchased Care Review Board (89 IAC 900; 49 Ill Reg 2329) that expand the scope of the Part to include separate public special education day schools established under Section 14-1.08a of the School Code, known in this Part as "public providers". (The Part establishes allowable costs that school

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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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districts may claim under Section 14-7.02 of the School Code, under which special needs students who needs cannot be met by their home school district can be placed in a non-public day or residential school at the home school district's expense, with the district being reimbursed by the Illinois State Board of Education.) Each separate facility must be approved as eligible by ISBE. Through the 2025-26 school year, payments calculated and approved for public special education providers shall be used to determine only the rate at which the student's home district is reimbursed. Beginning with the 2026-27 school year, the payments set by IPRCB will be used to establish tuition rates for public special education providers and no other fees can be charged. Cost reports from public providers will be referenced against audits or annual financial reports submitted to ISBE for the same period, to establish that the costs reported are reasonable. The

Adopted Rule

- **SUPPORTIVE HOUSING**

The DEPARTMENT OF HUMAN SERVICES adopted an amendment to the Part titled Permanent Supportive Housing & Bridge Subsidy Model for Persons with Mental Illnesses (59 IAC 145; proposed at 48 Ill Reg 15255) effective 2/18/25 at 49 Ill Reg 2353, implementing Public Act 103-970, which lowers the minimum age for participants in the Housing is Recovery Pilot Program from 21 to 18. The program provides supportive housing for individuals at high risk of homelessness, overdose or unnecessary institutionalization due to mental illness or substance use disorders. Those affected by this rulemaking include mental health and substance use treatment providers and property managers or landlords who participate in the program.

Questions/requests for copies: Tracie Drew, DHS, 100 S. Grand Ave. East, Harris Building, 3rd Floor, Springfield IL 62762, 217-785-9772, DHS.AdministrativeRules@illinois.gov

rulemaking also raises the threshold for non-allowable asset acquisition costs, for assets having a life of 1 year or more, from \$500 to \$10,000; for public providers, the threshold is either \$10,000 or the threshold established by the provider's governing board. Other provisions clarify allowable costs and list sources of revenue that will be offset (deducted from payments approved

by IPRCB) for public providers and establish that cost ceilings for regular providers and public providers will be established separately.

Questions/requests for copies/comments through 4/14/25: Dana Stoerger, ISBE, 100 N. First St., Springfield IL 62777, 217-782-6510, rules@isbe.net

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

Children's Product Safety (89 IAC 386; 48 Ill Reg 15953) proposed 11/15/24

DEPT OF REVENUE

Income Tax (86 IAC 100; 48 Ill Reg 17689) proposed 12/13/24

Secure Choice Savings Program Act (86 IAC 950; 48 Ill Reg 15825) proposed 11/8/24

DEPT OF CORRECTIONS

Rights and Privileges (20 IAC 525; 48 Ill Reg 14067) proposed 9/27/24

DEPT OF LABOR

Nurse Agency Licensing Act (68 IAC 690; 48 Ill Reg 6519) proposed 5/3/24

DEPT OF HEALTHCARE AND FAMILY SERVICES

Medical Payment (89 IAC 140; 48 Ill Reg 18101) proposed 12/27/24

Medical Payment (89 IAC 140; 49 Ill Reg 1) proposed 1/3/25

DEPT OF PUBLIC HEALTH

Newborn and Infant Screening and Treatment Code (77 IAC 661; 48 Ill Reg 14523) proposed 10/11/24

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

Kim Schultz, Executive Director ■ Kevin Kulavic, Deputy Director
700 Stratton Office Building, Springfield IL 62706
217-785-2254 ■ jcar@ilga.gov