

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

▪ SCHOOL BUS DRIVERS

The SECRETARY OF STATE proposed amendments to Issuance of Licenses (92 IAC 1030; 49 Ill Reg 3483) implementing a Federal Motor Carrier Safety Administration exemption allowing states to waive the under-the-hood portion of the pre-trip skills test for persons applying for a school bus and passenger license endorsement. Bus drivers who take advantage of this exemption will be limited to driving only school buses on their CDL and can only drive school buses in Illinois. The rulemaking also removes a requirement that the CDL knowledge test be offered solely in English. SOS also proposed amendments to School Bus Driver Permit (92 IAC 1035; 49 Ill Reg 3507) broadening the definition of "home state" (currently limited to states neighboring Illinois) to include any state where a driver has a fixed and permanent residence to which they intend to return. This rulemaking also

clarifies that the prohibition against the use of recording devices during road tests does not apply to recording devices installed on a school bus by the school district or bus company that cannot be removed by the driver (e.g., security cameras). Persons applying for CDLs and school bus driver permits may be affected.

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Questions/requests for copies/comments on the 2 SOS rulemakings through 5/5/25: Pamela Wright, SOS, 298 Howlett Building, Springfield IL 62756, 217-785-3094, pwright@ilsos.gov

HOSPITALS

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Hospital Licensing Requirements (77 IAC 250;

49 Ill Reg 3443) implementing Public Acts 103-803 and 103-948 (Liam's Law). The rulemaking defines "hospital affiliate" as a corporation or other entity that provides healthcare services but is not a hospital, and that owns or controls, or is owned or controlled by, one or more hospitals, and extends the patient rights requirements in Section 250.260(c) to hospital affiliates. The rulemaking also requires hospitals to notify parents of a stillborn child spontaneously delivered during or after the 20th week of pregnancy of their right to request and receive a birth certificate (Certificate of Birth Resulting in Stillbirth) in accordance with the Vital Records Act. Hospitals must use a notification form that will be developed by DPH to educate parents concerning the Liam's Law notice.

Questions/requests for copies/comments through 5/5/25:

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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.

IPCRB Public Hearing

SPECIAL EDUCATION

The ILLINOIS PURCHASED CARE REVIEW BOARD will hold a public hearing on proposed amendments to the Part titled Illinois Purchased Care Review Board (89 IAC 900; 49 Ill Reg 2329) **Tuesday, April 1, from 1 to 3 p.m.** at the Alzina Building, 4th Floor, **100 N. First St., Springfield.** Persons wishing to testify at this hearing must sign in at the registration desk. Oral testimony will be limited to 5 minutes per person and written copies of oral testimony must be provided upon arrival. This hearing concerns a rulemaking published in the 2/28/25 *Illinois Register* that extends the Part's limitations on allowable special education costs to separate public special education day schools.

Questions concerning the rulemaking or the public hearing: Dana Stoerger, ISBE, 100 North First St., 4th Floor, Springfield IL 62702, 217-782-3510, rules@isbe.net

Emergency Rule

IMMIGRANT HEALTHCARE

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted an emergency amendment to Special Eligibility Groups (89 Ill. Adm. Code 118; 49 Ill Reg 3562), effective 3/4/25, modifying an earlier emergency rule (49 Ill Reg 2214) that was effective 2/5/25 for the remainder of its 150-day term. A companion proposed amendment appears in this week's *Illinois Register* at 49 Ill Reg 3418. The emergency amendment states that HFS will post notice of the closing of the Health Benefits for Immigrant Adults (HBIA) program at the Department's website, and send written notices to affected enrollees, no later than 90 days before the program ends. The proposed rulemaking repeals all current rules for the HBIA program (which serves low-income individuals ages 42 to 64 who are not U.S. citizens or legal permanent residents) and states that it is no longer operative on and after 7/1/25. (The program is not included in the State Fiscal Year 2026 budget.) The proposed rulemaking also permanently adopts the following restrictions for the Health Benefits for Immigrant Seniors (HBIS) program which serves individuals age 65 and older: only individuals who are neither U.S. citizens nor legal permanent residents are eligible; HFS may limit or eliminate backdated coverage to ensure that costs do not exceed available funding; notice of closing of new enrollment will be posted on the HFS website at least 14 days in advance; co-payments or cost sharing may be charged for certain services specified in an HFS Provider Notice; emergency services are not subject to cost sharing; providers are responsible for collecting co-payments and may choose not to charge co-payments; and large public hospitals that have received payments from the HBIS program in excess of rates paid to other public hospitals must reimburse HFS.

Questions/requests for copies/comments on the proposed rulemaking through 5/5/25: Kathy Muse, HFS, 201 S. Grand Ave. East, 3rd Floor, Springfield IL 62763-0002, 217-782-1233, HFS.Rules@illinois.gov

Proposed Rulemakings

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Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield IL 62701, 217-782-1159, dph.rules@illinois.gov

• IEMA-OHS GRANTS

The ILLINOIS EMERGENCY MANAGEMENT AGENCY AND OFFICE OF HOMELAND SECURITY proposed amendments to General Grantmaking of the Illinois Emergency Management

Agency and Office of Homeland Security (44 IAC 7030; 49 Ill Reg 3435) to clarify that Grant Transparency and Accountability Act rules at 44 IAC 7000 apply to State and federal pass-through grants made through the Agency, but the federal nonprofit security grant program is exempt from GATA rules and from the federal Uniform Guidance. It also establishes a rulemaking structure for State-funded grant programs and incorporates existing rules from State-

funded grant programs. Entities that receive grants through IEMA-OHS may be affected.

Questions/requests for copies/comments through 5/5/25: Traci Burton, IEMA-OHS, 1035 Outer Park Drive, Springfield IL 62704, 217-785-9860, Traci.Burton@illinois.gov

Adopted Rules

▪ BUSINESS INCENTIVES

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY adopted a new Part titled Invest in Illinois Incentive Program (14 IAC 125; proposed at 48 Ill Reg 6423) effective 3/10/25 at 49 Ill Reg 3528, establishing non-competitive economic incentive awards, including but not limited to grants and loans, to businesses that pledge to make capital investments and create new jobs, or to retain existing jobs, in Illinois. (In contrast to other DCEO incentive programs, Invest in Illinois is not limited to specific types of businesses or industries.) Applicant businesses must be in good standing under the laws of Illinois and any other states in which the business was formed or organized, and must owe no delinquent Illinois taxes. An applicant that closes, or reduces by at least 50%, its operations at any location in Illinois in the previous 12 months and moves them to another Illinois location is not eligible for these awards, unless DCEO determines the move was necessary in order to expand the business' Illinois operations. Applications must include the location of the project; the amount of the capital investment to be made in the project; the number of jobs that will be created or retained; and the average salary for the jobs to be created or retained. DCEO will determine whether a project benefits the State and is eligible for an award based on factors that include the project's economic impact on the community and the likelihood that other businesses will be attracted to the project area or the State as a result of the project. Incentive agreements between DCEO and businesses that receive awards will specify performance conditions for each award, including the number of jobs created or retained and their average

salaries; the minimum number of years the awardee must maintain operations at the project location; the schedule of payments for loans or grants; the minimum capital investment to be made; claw-back provisions in the event of failure to comply with the agreement; and a requirement for an annual report to DCEO on the number of new employees and any other information the Department deems necessary. Failure to comply with the agreement may also require the awardee to share with the State any profits realized from a sale of the capital improvements funded by the award. Since 1st Notice, DCEO has clarified that an applicant is ineligible only if it has closed or reduced operations at an Illinois location in the previous 12 months. Businesses planning investments or expansion in Illinois are affected by this rulemaking.

Questions/requests for copies: Gina Arterberry, DCEO, 607 E. Adams St., 12th Fl. Springfield IL 62701, 217-524-8974, Gina.M.Arterberry@illinois.gov

MEDICAL PAYMENT

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted an amendment to Medical Payment (89 IAC 140; proposed at 48 Ill Reg 15737) effective 3/10/25 at 49 Ill Reg 3537, that expands the list and description of conditions for which medically necessary orthodontic treatment will be covered to include other craniofacial anomalies in addition to cleft palate; an overjet of 9mm or greater; and impacted teeth when eruption is impeded but extraction is not indicated. Effective 1/1/25, if a prior approval request for orthodontic treatment is denied, the party issuing the denial (e.g., Medicaid MCO) must inform the provider who made the

request of the Handicapping Labio-Lingual Deviation Index assessment tool (HLD; used to determine the extent of dental deformities or other conditions) and inform the provider of the patient's HLD score that prompted the denial. (HFS deems orthodontic procedures medically necessary if the condition being corrected has an HLD score of 28 or higher.) Orthodontists are affected by this rulemaking.

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

STATE TRAVEL

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted an amendment to the Part titled The Travel Regulation Council (80 IAC 3000; proposed at 48 Ill Reg 15168) effective 3/7/25 at 49 Ill Reg 3522, clarifying and providing examples of how per diem reimbursement will be provided for State employees on travel status. Travel that includes overnight lodging or lasts at least 18 (previously, 12) continuous hours will be reimbursed on a per diem basis and the rate will be determined by the location at which State business is conducted, or the stopover point while on travel status. For single day travel that includes business at multiple locations, the rate will be determined by the highest rate among the locations.

Questions/requests for copies: Administrative Rules Coordinator, CMS, 313 S. Sixth St., 3rd Floor, Springfield IL 62702, 217-782-2000, CMS.Rule@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 April 8, 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.

DEPT OF HUMAN SERVICES

Administration of Social Service Programs (89 IAC 130; 48 Ill Reg 13061) proposed 9/6/24

Services (89 IAC 590; 48 Ill Reg 17931) proposed 12/20/24

DEPT OF PUBLIC HEALTH

Sheltered Care Facilities Code (77 IAC 330; 49 Ill Reg 1124) proposed 1/24/25

Illinois Veterans' Homes Code (77 IAC 340; 48 Ill Reg 17240) proposed 12/2/24

Next JCAR Meeting: Tuesday, April 8, 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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