

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

▪ CHILD ABUSE & NEGLECT

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES proposed amendments to the Part titled Reports of Child Abuse and Neglect (89 IAC 300; 49 Ill Reg 3571) implementing multiple amendments to the Abused and Neglected Child Reporting Act. The rulemaking revises the definition of "abused child" to include victims or targets of grooming as defined in the Criminal Code of 2012 (attempting to induce a child under age 17 or the child's parent/guardian, through in-person, written or electronic contact, to engage in, or allow the child to engage in, unlawful sexual acts or production or distribution of sexually explicit images of the child) and to add a new child abuse allegation code for grooming. The definition of an abused child is also expanded to include any instance in which corporal punishment is inflicted upon a child or adult resident (age 18 to 22, still residing in a DCFS child care facility) by

an employee of an agency that is prohibited from using corporal punishment. The definition of "blatant disregard" has been expanded to include instances in which an employee of a child welfare agency, or the agency itself, fails to perform job responsibilities or implement policies and practices

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intended to protect the health, safety and well-being of children or adult residents in their care. Other added definitions include "child welfare services referral", "differential response program", and "prior open service case". The rulemaking also updates the statutory list of personnel who are mandated to report allegations of child abuse or neglect, updates training requirements for mandated reporters to include training on implicit bias, and requires such training to be completed within 3

months after hiring and every 3 years thereafter. Those affected by this rulemaking include employees of child welfare agencies and persons employed in mandated reporter positions (e.g., teachers, medical personnel, child care providers).

RELATIVE FOSTER CARE

DCFS also proposed a new Part titled Relative Home Certification (89 IAC 415; 49 Ill Reg 3639) implementing Public Act 103-1061, which establishes standards for relative home certification that will permit relative caregivers to receive subsidized foster care payments. The rules in this Part apply to prospective foster caregivers of a child or youth in DCFS care who are related to that child by blood, marriage, civil union, tribal custom or adoption, as well as to "fictive kin" who have a family-like relationship with the child. DCFS shall identify 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

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contact potential relative caregivers of a child in its care to assess their willingness and ability to care for the child; these contacts shall include non-custodial parents, grandparents, godparents, fictive kin, and (if a child is of Native American descent) extended family members as defined in the federal Indian Child Welfare Act. Before certifying a relative home, DCFS will conduct a fingerprint-based background check and check for records of any abuse or neglect reports on all adults living in the household. If the applicant or any other adult has a criminal conviction or indicated abuse/neglect report in their record, DCFS must consider factors such as the length of time since the conviction or report, the nature of the offense/allegation, and its relationship to the applicant's ability to care for a child prior to making a decision. DCFS will also assess the applicant for ability to meet the needs of the youth in care and the applicant's home for safety, needs and security considerations. If multiple relatives have been identified for placement, preference will be given to relatives within the fifth degree of kinship (1st degree: parents; 2nd degree: grandparents and siblings; 3rd degree: great-grandparents, uncles/aunts, nephews/nieces; 4th degree: great-great grandparents, great uncles/aunts, first cousins; 5th degree: great-great-great grandparents, great-great uncles/aunts and nephews/nieces, second cousins) who meet the standards in this Part. Applicants who do not meet the criteria in this Part shall be given a reasonable opportunity to correct deficiencies before their application is rejected. DCFS will endeavor to assist families to

meet the criteria necessary for relative home certification, which may include but is not limited to assistance with filling out applications, language/translation services, facilitating completion of the fingerprinting process, and purchasing or providing funds for home repairs or necessary safety devices or equipment (e.g., infant/child car seats). Relative caregivers will also receive an orientation from DCFS. Payments made to relative caregivers will be the same as for non-relative foster parents and will be reviewed at least every 3 years. The rulemaking also specifies the elements of each form to be completed by a prospective relative caregiver.

DCFS ADVISORY GROUPS

DCFS proposed repeal of the Part titled Department Advisory Groups (89 IAC 428; 49 Ill Reg 3681) and proposed a new Part with the same number and title (89 IAC 428; 49 Ill Reg 3695). The new Part replaces the current list of specific advisory groups with general descriptions of the types of advisory groups with which DCFS may consult (statutory advisory groups, non-statutory advisory groups, task forces and commissions, other advisory groups). Meetings of all advisory groups shall be open to the public unless provided otherwise by law. Members of advisory groups are subject to economic interest disclosure and conflict of interest statutes. Advisory groups may not engage in media contacts or create e-mail or social media accounts without approval or authorization from DCFS.

Questions/requests for copies/comments on the 4 DCFS rulemakings through 5/12/25: Tamara Bristow, DCFS, 406 E. Monroe, Station #65-D, Springfield IL 62701, 217-524-1983, DCFS.Policy@illinois.gov

LEGAL FUNDING

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to the Part titled Consumer Legal Funding Act (38 IAC 170; 49 Ill Reg 3743) concerning refinancing and pro rata fees. The rulemaking provides that, when a consumer legal funding loan (typically repaid from the settlement or award the consumer receives from the legal action that is being funded) is refinanced, charges cannot accrue for more than the statutory limit of 42 months on the amount originally borrowed, but charges may accrue beyond 42 months on additional amounts provided to the consumer as a result of refinancing. The rulemaking also establishes the pro rata annual fee paid to DFPR by consumer legal funding licensees to equal the percentage share that each licensee provided of the total amount of consumer legal funding loans made by licensees in Illinois that year. Those affected by this rulemaking include businesses, non-profits, and other entities that provide or take advantage of consumer legal funding.

WHOLESALE DRUGS

DFPR also proposed amendments to the Part titled Wholesale Drug Distribution Licensing Act (68 IAC 1510; 49 Ill Reg 3751) that increase fees for original and renewal applications for registration as a wholesale drug distributor and as a third-party logistics provider from \$200 to \$800. Other changes increase maximum fines for violations from \$1,000 to \$10,000 and allow fines to be applied to individuals (officer, director, manager, shareholder) who own 5% or more of the business; clarify that registration of wholesale drug distributors is required by State

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and federal law; and clarify that terms not expressly defined in the Act or this Part are defined in federal law. Wholesale drug distributors are affected.

Questions/requests for copies/comments on the 2 DFPR rulemakings through 5/12/25: Craig Cellini, DFPR, 320 W. Washington St., 2nd Floor, Springfield IL 62786, 217-785-0810, fax 217-557-4451, Craig.Cellini@illinois.gov

▪ ELECTIONS

The STATE BOARD OF ELECTIONS proposed an amendment to Cyber Navigator Program (26 IAC 213; 49 Ill Reg 3707) providing that, if the Illinois Century Network (main State computer network) experiences a technical failure lasting more than one hour, SBEL will provide local election authorities with access to voter registration, Cyber Navigator applications, and data through an alternative secured connection for the duration of the failure. Local election authorities may be affected.

Questions/requests for copies/comments through 5/12/25: H. Poyer, SBEL, 2329 S. MacArthur Blvd., Springfield IL 62704, 217-782-4141, GeneralCounsel@elections.il.gov

▪ ELEVATORS

The ELEVATOR SAFETY REVIEW BOARD proposed an amendment to Illinois Elevator Safety Rules (41 IAC 1000; 49 Ill Reg 3711) that incorporates updated (2021 and 2022) editions of the American Society for Mechanical Engineers (ASME) nationally recognized elevator and escalator safety codes as required by the Elevator Safety and Regulation Act. The rulemaking also includes a modification to these codes with regard to door lock monitoring that sets a compliance deadline of 1/1/29 for automatic passenger and freight elevators installed prior to the adoption of the applicable ASME code. Businesses, non-profits and municipalities that have elevators and escalators subject to this Part are affected.

Questions/requests for copies/comments through 5/12/25: Scott Gertz, Office of the State Fire Marshal, 555 W. Monroe, Ste. 1300-N, Chicago IL 60661, 217-785-7629, fax 217-524-5487,

SFM.1000rulemaking@fdmail.sfm.illinois.gov

▪ IEPA CONTACT INFO

The ILLINOIS ENVIRONMENTAL PROTECTION AGENCY proposed amendments to the Parts titled Procedures and Criteria for Reviewing Applications for Provisional Variances (35 IAC 180; 49 Ill Reg 3723), Procedures for Collection of Air Pollution Site Fees (35 IAC 251; 49 Ill Reg 3728), Public Participation in the Air Pollution Control Permit Program (35 IAC 252; 49 Ill Reg 3732) and Clean Air Act Permit Program Procedures (35 IAC 270; 49 Ill Reg 3737) that remove the former mailing address of IEPA and direct permit applicants or fee payors to send their applications or fees to the address of IEPA's headquarters that is listed on IEPA's website. Businesses, municipalities and other entities applying for permits or paying IEPA fees are affected.

Questions/requests for copies/comments on the 4 IEPA rulemakings through 5/12/25: Sarah McKavetz, IEPA, 2520 W. Iles Ave., P.O. Box 19276, Springfield IL 62794-9276, 217-782-5544, sarah.mckavetz@illinois.gov

Adopted Rules

INSURANCE

The DEPARTMENT OF INSURANCE adopted an amendment to Prior Notification of Transactions (50 IAC 654; proposed at 48 Ill Reg 15261) effective 3/14/25 at 49 Ill Reg 3760, that updates the required provisions in agreements for cost sharing services and management services among affiliated companies. These agreements must comply with the 2024 (previously, 2018) National Association of Insurance Commissioners (NAIC) Accounting Practices and Procedures Manual. The rulemaking more precisely defines what books and records must be included in the agreement; clarifies

that the records of each insurer must be identifiable and kept separate and apart from those of other affiliated insurers; and specifies actions to be taken in the event that an insurer is placed in rehabilitation, liquidation, conservation, dissolution or receivership.

DOI also adopted amendments to Required Procedure for Consumer Complaint Notification (50 IAC 931; proposed at 48 Ill Reg 14479) effective 7/1/25 at 49 Ill Reg 3767, updating a statutory requirement for insurance companies to provide insureds with information on where to file complaints regarding their policies. The notice must be sent whenever

policies are renewed and state that complaints can be filed online at the DOI website, or by mail to the Chicago or Springfield address of the DOI Consumer Division. Additionally, the Department is removing an exception for short-term travel accident policies. Since 1st Notice, DOI has decided to retain exceptions for marine, fidelity and surety policies.

Questions/requests for copies of the 2 DOI rulemakings: Part 654, Susan Berry (217-782-1759, Susan.Berry@illinois.gov); Part 931, Julie Rachford (217-782-4572, Julie.Rachford@illinois.gov); DOI, 320 W. Washington St., 4th Floor, Springfield IL 62767.

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

CAPITAL DEVELOPMENT BOARD

Early Childhood Construction Grant Rules (71 IAC 43; 48 Ill Reg 12670) proposed 8/23/24

CIVIL SERVICE COMMISSION

Civil Service Commission (80 IAC 1; 49 Ill Reg 957) proposed 1/24/25

DEPT OF CHILDREN AND FAMILY SERVICES

Licensing Standards for Day Care Centers (89 IAC 407; 48 Ill Reg 15961) proposed 11/15/24

HEALTH FACILITIES AND SERVICES REVIEW BOARD

Health Facilities and Services Review Operational Rules (77 IAC 1130; 49 Ill Reg 1032) proposed 1/24/25

IL ENVIRONMENTAL PROTECTION AGENCY

Introductions and Definitions (Repealer) (35 IAC 651; 48 Ill Reg 12059) proposed 8/16/24

Design, Operation and Maintenance Criteria (Repealer) (35 IAC 653; 48 Ill Reg 12066) proposed 8/16/24

Raw and Finished Water Quality and Quantity (Repealer) (35 IAC 654; 48 Ill Reg 12109) proposed 8/16/24

POLLUTION CONTROL BOARD

Permits and General Provisions (35 IAC 201; 48 Ill Reg 6554) proposed 5/3/24

Alternative Control Strategies (35 IAC 202; 48 Ill Reg 6569) proposed 5/3/24

Major Stationary Sources Construction and Modification (35 IAC 203; 48 Ill Reg 6574) proposed 5/3/24

Prevention of Significant Deterioration (35 IAC 204; 48 Ill Reg 6655) proposed 5/3/24

Nitrogen Oxides Emissions (35 IAC 217; 48 Ill Reg 11469) proposed 8/9/24

Toxic Air Contaminants (35 IAC 232; 48 Ill Reg 6676) proposed 5/3/24

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IL GAMING BOARD

Video Gaming (General) (11 IAC 1800; 48 Ill Reg 8252) proposed 6/7/24

DEPT OF PUBLIC HEALTH

Skilled Nursing and Intermediate Care Facilities Code (77 IAC 300; 49 Ill Reg 1397) proposed 2/7/25

DEPT OF REVENUE

Rental Purchase Agreement Occupation and Use Tax (86 IAC 125; 49 Ill Reg 315) proposed 1/10/25

Retailers' Occupation Tax (86 IAC 130; 49 Ill Reg 322) proposed 1/10/25

Leveling the Playing Field for Illinois Retail Act (86 IAC 131; 49 Ill Reg 351) proposed 1/10/25

Service Occupation Tax (86 IAC 140; 49 Ill Reg 363) proposed 1/10/25

Use Tax (86 IAC 150; 49 Ill Reg 374) proposed 1/10/25

Service Use Tax (86 IAC 160; 49 Ill Reg 384) proposed 1/10/25

Automobile Renting Occupation Tax (86 IAC 180; 49 Ill Reg 391) proposed 1/10/25

County Motor Fuel Tax (86 IAC 695; 49 Ill Reg 398) proposed 1/10/25

Municipal Motor Fuel Tax (86 IAC 696; 49 Ill Reg 402) proposed 1/10/25

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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