

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

• DAY CARE

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES proposed an amendment to Licensing Standards for Group Day Care Homes (89 IAC 408; 49 Ill Reg 4126) that extends through 7/1/27 existing rules allowing extended capacity group day care homes (licensed for a maximum of 16 children instead of 12) to include among their 4 additional children 2 toddlers or preschoolers age 30 months or older and 2 school-age children provided the main caregiver and two adult assistants are present at all times. These provisions were scheduled to expire on 7/1/25. Group day care homes are affected.

Questions/requests for copies/comments through 5/27/25: Tamara Bristow, DCFS, 406 E. Monroe St., Station #65-D, Springfield IL 62701, 217-524-1983, DCFS.Policy@illinois.gov

HUNTING & TRAPPING

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to 15 Parts that update DNR hunting and trapping rules with site-specific changes to hunting hours, days, species, permit requirements, harvest limits, and other items. Additional changes are listed below.

**JCAR Meeting Action, Page 3
Adopted Rules, Page 3
Second Notices, Page 6**

Small Game

Proposed amendments to Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting (17 IAC 530; 49 Ill Reg 4137) remove references to violations and fines, remove Horseshoe Lake State Park as a youth hunting site, and add Pere Marquette State Park, Rock Cut State Park (rabbit hunting only) and

Kankakee River State Park (also rabbit hunting only) as hunting sites.

Amendments to Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote, Bobcat and Woodchuck (Groundhog) Hunting (17 IAC 550; 49 Ill Reg 4164) add Adeline Jay Geo-Karis Illinois Beach State Park, Chain O' Lakes State Park, Moraine Hills State Park, and Volo Bog State Natural Area as coyote-only hunting sites.

Amendments to Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, River Otter, Beaver, Bobcat and Woodchuck (Groundhog) Trapping (17 IAC 570; 49 Ill Reg 4178) remove a reference to violations and add Ken Russell T Lake State Habitat Area and Illinois Beach State Park as trapping sites. Amendments to Squirrel Hunting (17 IAC 690; 49 Ill Reg 4347) restrict hunting at certain sites to shotguns and bows and arrows and

(cont. page 2)

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)

open Illinois Beach State Park and Rock Cut State Park to squirrel hunting.

Waterfowl & Other Birds

Proposed amendments to Duck, Goose and Coot Hunting (17 IAC 590; 49 Ill Reg 4192) remove references to violations and potential fines; close public access to designated waterfowl hunting areas from 7 days prior to the opening of the regular duck season through the final day of duck season (only legally permitted hunters and Department-authorized individuals are allowed in hunting areas during this period); and open Hackmatack State Natural Area to waterfowl hunting. Amendments to Dove Hunting (17 IAC 730; 49 Ill Reg 4410) and Crow, Woodcock, Snipe, Rail and Teal Hunting (17 IAC 740; 49 Ill Reg 4430) remove references to violations.

Deer Hunting

Proposed amendments to White-Tailed Deer Hunting By Use of Firearms (17 IAC 650; 49 Ill Reg 4264), White-Tailed Deer Hunting By Use of

Muzzleloading Rifles (17 IAC 660; 49 Ill Reg 4283), White-Tailed Deer Hunting By Use of Bow and Arrow (17 IAC 670; 49 Ill Reg 4300), and Special White-Tailed Deer Season for Disease Control (17 IAC 675; 49 Ill Reg 4324) remove references to violations and repeal a Section concerning rejection of applications and revocation of permits. The Part 650 rulemaking additionally removes a requirement that disabled hunters participating in special hunts pass the Illinois Hunter Safety Course or an out-of-State equivalent. The Part 670 rulemaking opens Hackmatack State Natural Area, Loda Pheasant Habitat Area, and Rock Cut State Park to archery deer hunting. The Part 675 rulemaking also adds Bureau and Ford counties to the list of counties where a special Chronic Wasting Disease (CWD) hunting season may be declared.

Youth Hunting

Amendments to Youth Hunting Seasons (17 IAC 685; 49 Ill Reg 4329) allow youth deer permit holders to use unfilled permits from the youth season (Columbus Day weekend) during the second firearm deer season (4-day Thanksgiving weekend) as well as the first firearm deer season (Friday through Sunday before Thanksgiving). Archery deer hunting by youth permit holders is permitted only on private

land. References to violations are removed, and Sahara Woods State Recreation Area, Goose Lake Prairie State Natural Area, and Mazonia State Fish and Wildlife Area are opened to youth hunting.

Turkey Hunting

Amendments to The Taking of Wild Turkeys - Spring Season (17 IAC 710; 49 Ill Reg 4360), The Taking of Wild Turkeys - Fall Gun Season (17 IAC 715; 49 Ill Reg 4380), and The Taking of Wild Turkeys - Fall Archery Season (17 IAC 720; 49 Ill Reg 4395) remove references to violations. The Part 710 rulemaking also opens Heidecke State Fish and Wildlife Area to the first and second spring turkey seasons and Chain O'Lakes State Park to spring youth turkey hunting. Amendments to Part 720 open Hackmatack State Natural Area to fall archery turkey hunting.

Questions/requests for copies/comments on the 15 DNR rulemakings through 5/27/25: John Fischer, DNR, One Natural Resources Way, Springfield IL 62702, 217-782-1809, dnr.rules@illinois.gov

JCAR Meeting Action

At its April 8, 2025 meeting in Springfield, the Joint Committee on Administrative Rules approved the following actions. Proposed rulemakings not listed below received No Objection and may now be adopted by their agencies. Emergency or preemptory rules not acted upon at this meeting may be reconsidered at future meetings.

OBJECTION

JCAR objected to the Department of Children and Family Services rulemaking titled Services Delivered by the Department of Children and Family Services (89 Ill. Adm. Code 302; 48 Ill. Reg. 16617) because it does not meet the requirements of 1 Ill. Adm. Code 220.900(a)(2)(F), which requires rulemakings to be free of technical errors, redundancies and grammatical or typographical errors that could affect the meaning of the rules. The Department has indicated its intent to withdraw this rulemaking and include these changes, along with other suggested cleanup measures, in a new rulemaking upon which any interested parties will have the opportunity to comment.

EXTENSIONS

JCAR, with the concurrence of the listed agencies, extended the Second Notice periods for the following rulemakings an additional 45 days. These rulemakings will be considered again at the May 13 meeting.

Department of Children and Family Services, Licensing Standards for Day Care Centers (89 IAC 407; 48 Ill Reg 15961)

Health Facilities and Services Review Board, Health Facilities and Services Review Operational Rules (77 IAC 1130; 49 Ill Reg 1032)

Illinois Gaming Board, Video Gaming (General) (11 IAC 1800; 48 Ill Reg 8252)

Adopted Rules

NURSING HOMES

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to Skilled Nursing and Intermediate Care Facilities Code (77 IAC 300; proposed at 48 Ill Reg 17210) effective 3/25/25 at 49 Ill Reg 4670, implementing Public Acts 103-691 and 103-776. This rulemaking allows a nursing facility with certain parts that are not certified for participation in the Medical Assistance program (e.g., rehabilitation) to discharge residents who cannot self-pay from the non-Medicaid-certified portions of the facility under the following conditions: the facility explained to the resident and/or the resident's representative, at the time of admission and upon renewal of their contract, that they could be discharged for inability to pay without medical assistance; the resident and/or representative acknowledges in writing having received this explanation; and, in

cases where the resident's stay has been covered by Medicare and coverage is ending prior to the full 100-day benefit period, the facility has given the resident 5 days' notice of the termination of their Medicare coverage. The rulemaking also requires the new owners of facilities that are changing ownership to submit a detailed transition plan, documenting how resident care and appropriate staffing levels will be maintained during the transition process, to DPH for approval at the same time that they apply for their initial (new) license. A facility that fails to follow its transition plan and thereby causes harm to a resident will be cited for a violation and designated as "high risk". Finally, the rulemaking clarifies that work eligibility status for all prospective employees subject to the Health Care Worker Background Check Act must be checked prior to hiring.

STI CONTROL MEASURES

DPH also adopted amendments to Control of Sexually Transmissible Infections Code (77 IAC 693; proposed at 48 Ill Reg 13555) effective 3/25/25 at 49 Ill Reg 4721, updating clinical guidance on invasive procedure precautions for health care professionals who are living with HIV, clinical recommendations for Expedited Partner Therapy (EPT), and updating terminology related to HIV and AIDS. The rulemaking aligns its definitions of acquired immunodeficiency syndrome (AIDS) and Human Immunodeficiency Virus (HIV) infection with those of the Centers for Disease Control and Prevention, and changes references to "HIV infected persons" to "persons living with HIV". Updated professional medical standards and guidance for healthcare personnel living with HIV

(cont. page 4)

Adopted Rules

(cont. from page 3)

are incorporated in this Part and such personnel are advised to follow updated guidance regarding their performance of invasive procedures on patients. Procedures for investigating possible secondary exposure of patients or others to HIV from a healthcare worker who is living with HIV are also clarified. Persons diagnosed with chlamydia, gonorrhea or trichomonas by a health care professional outside of a local health department shall be offered EPT services enabling their sexual partners to receive immediate treatment without having to present themselves for an exam first. Health care providers are advised to "strongly consider" offering EPT services to pregnant partners (previously, EPT for pregnant partners was described as "a last resort" since certain antibiotics used to treat STIs are contraindicated for pregnant patients) and to recommend that they advise their prenatal care providers if they have received EPT. Health care providers and local health departments are affected.

▪ NEWBORN SCREENING

DPH adopted amendments to Newborn and Infant Screening and Treatment Code (77 IAC 661; proposed at 48 Ill Reg 14523) effective 3/25/25 at 49 Ill Reg 4706, that permit blood spot samples to be retained by DPH for development, validation, and quality assurance of newborn screening tests, either within the Department or on behalf of screening partners such as the federal Centers for Disease Control and Prevention (CDC). Residual blood samples left after all specimens have been submitted for testing may be released to the parents or guardians of the newborn (with a \$25 administrative

fee), or with the parents/guardians' consent, to a designated CLIA certified clinical laboratory for further analysis. DPH will determine whether a residual blood sample is sufficient for release to parents/guardians or other laboratories. Health care providers and clinical laboratories are affected.

HOME SERVICES

DPH also adopted an amendment to Home Health, Home Services, and Home Nursing Agency Code (77 IAC 245; proposed at 48 Ill Reg 17466) effective 3/25/25 at 49 Ill Reg 4661, clarifying training requirements in Section 245.71(i) to state that a home services agency shall provide a home services worker with a copy of their training certificate, upon request. Home services providers are affected.

NURSING ASSISTANTS

DPH adopted amendments to Long-Term Care Assistants and Aides Training Programs Code (77 IAC 395; proposed at 48 Ill Reg 17475) effective 3/25/25 at 49 Ill Reg 4699, implementing Public Act 103-0695. The Act and this rulemaking require DPH to give nursing assistant students the option to take the required examination in either Spanish or English, without restrictions on who may take the exam in either language. Nursing assistant training programs are affected.

DPH PUBLIC INFORMATION

DPH adopted amendments to Public Information, Rulemaking, and Organization of the Department of Public Health (2 IAC 1125; 49 Ill Reg 4626) to reflect the current organizational structure of the Department. The Medical Director and Chief Operating Officer have been added to the list of personnel in the Office of the Director, the names of some offices have been changed, and

the following new Offices have been added: Human Resources; Information Technology; Performance Management; Policy, Planning and Statistics; Preparedness and Response; and Racial and Cultural Health Equity. The Office of Epidemiology and Health is now the Office of Disease Control and the Office of Women's Health is now the Office of Women's Health and Family Services. Sections outlining the functions of each office have also been added or updated, and information regarding their services is cross referenced to the DPH website (instead of listing these services in rule). This is a required rulemaking under Section 5-15 of the Illinois Administrative Procedure Act and does not require a First Notice public comment period or JCAR review.

Questions/requests for copies of the 6 DPH rulemakings: Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield IL 62701, 217-782-1159, dph.rules@illinois.gov

LTC COST REPORTS

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted amendments to Medical Payment (89 IAC 140; proposed at 49 Ill Reg 1) effective 3/27/25 at 49 Ill Reg 4457, concerning the annual filing deadlines for Long Term Care (LTC) facility financial and statistical reports (cost reports). The rulemaking extends the cost report due date for facilities whose fiscal year ends on or before June 30 to November 30 of the applicable year. For facilities whose fiscal year ends after June 30, the report is due 5 months after the fiscal year end date. (Previously, all reports were due within 90 days after the end of the facility's fiscal year.) A 30-day extension of the due date that is provided for in current rule will only

(cont. page 5)

Adopted Rules

(cont. from page 4)

be granted for extraordinary circumstances over which the provider has no control. The rulemaking also provides that cost reports filed prior to July 1 (formerly, prior to April 1) of the applicable year will be used to calculate the facility's rates for the upcoming July 1 rate year.

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

DCFS YOUTH IN CARE

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES adopted amendments to Authorized Child Care Payments (89 IAC 359; proposed at 48 Ill Reg 16652) effective 3/28/25 at 49 Ill Reg 4446, implementing Public Act 100-646, which requires DCFS to transition youth in its care from fee-for-service based Medical Assistance to Medicaid managed care plans. This rulemaking changes existing references to "Medical Assistance provided through the Illinois Department of Public Aid" (now the Department of Healthcare and Family Services) to "the Illinois medical assistance program" and provide that youth enrolled in a managed care

program will receive a managed care plan membership card.

CHILDREN'S PRODUCTS

DCFS also adopted amendments to the Part titled Children's Product Safety (89 IAC 386; proposed at 48 Ill Reg 15953) effective 3/28/25 at 49 Ill Reg 4450, updating its procedures for informing day care providers of children's product safety recalls. A "children's product" is defined as a product designed or intended for the care or use of any child under age 12 (previously, any product intended specifically for children under 6, or for children of all ages). DCFS notifications to day care providers regarding children's product recalls shall include a web link to the comprehensive list of products deemed by the Department of Public Health to be unsafe for use in day care environments. The rulemaking also strikes obsolete provisions left over from the initial implementation of the Children's Product Safety Act on 7/1/00.

Questions/requests for copies of the DCFS rulemakings: Tamara Bristow, DCFS, 406 E. Monroe St., Station #65-D, Springfield IL 62701, 217-524-1983, DCFS.Policy@illinois.gov

▪ WATER POLLUTION

The POLLUTION CONTROL BOARD adopted amendments to

Groundwater Quality (35 IAC 620; proposed at 48 Ill Reg 4608) effective 3/28/25 at 49 Ill Reg 4488, that implement detection standards for 10 new chemicals detected in Illinois groundwater, including per- and polyfluoroalkyl substances (e.g., PFAS, PFOS), and also revise existing standards for substances such as cobalt, selenium, and vanadium. The rulemaking also updates the assumed per capita daily water ingestion rate to reflect average adult consumption (2 liters per day) instead of average child consumption (0.78 liters per day); changes the exposure population used to determine contaminant standards from adults to children age 6 and under; and clarifies the procedures for establishing and terminating groundwater management zones (GMZs) in which corrective action must be taken to remove or mitigate the impact of contaminants. Since 1st Notice, PCB has made numerous clarifications, corrections and updates to the text. Those affected by this rulemaking include units of local government and water treatment facilities.

Questions/requests for copies: Clerk's Office, PCB, 60 E Van Buren St., Suite 630, Chicago IL 60605, 312-814-3620, don.brown@illinois.gov. Please reference Docket R22-18. Copies of the Board's opinions and orders are available through the Clerk's Office On-Line (COOL) on the Board's website (<https://pcb.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 May 13, 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

Early Intervention Program (89 IAC 500; 49 Ill Reg 1105) proposed 1/24/25

DEPT OF REVENUE

Retailers' Occupation Tax (86 IAC 130; 49 Ill Reg 1444) proposed 2/7/25

Leveling the Playing Field for Illinois Retail Act (86 IAC 131; 49 Ill Reg 1468) proposed 2/7/25

Use Tax (86 IAC 150; 49 Ill Reg 1498) proposed 2/7/25

Home Rule Municipal Retailers' Occupation Tax (86 IAC 270; 49 Ill Reg 1514) proposed 2/7/25

Next JCAR Meeting: Tuesday, May 13, 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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