

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

ICF/DD FACILITIES

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Intermediate Care for the Developmentally Disabled Facilities Code (77 IAC 350; 49 Ill Reg 11233) implementing Public Act 103-0261, the Essential Support Person Act. This rulemaking requires ICF/DD facilities to comply with the Act and with the DPH Essential Support Person Code (77 IAC 50), under which residents of long-term care facilities may designate primary and secondary essential support persons who will continue to have access to the resident when general restrictions on visitation are in effect. The rulemaking also requires that background checks for persons age 18 and older upon admission to a facility include a check of the National Sex Offender Public Website (in addition to the Illinois State Police and Department of Corrections sex offender registries).

*Questions/requests for
copies/comments through 10/27/25:
Tracey Trigillo, DPH, 524 S. Second St.
6th Floor, Springfield IL 62701, 217-
782-1159, dph.rules@illinois.gov*

WORKPLACE SAFETY

The DEPARTMENT OF LABOR proposed amendments to Health and Safety (56 IAC 350; 49 Ill Reg 11222)

**Adopted Rules, Page 3
No Second Notices This Week**

clarifying that the Illinois Occupational Safety and Health Administration's (Illinois OSHA) existing enhanced requirements for covered employers to report injuries and illnesses is in lieu of, and not in addition to, the similar federal OSHA reporting requirement. This change affects employers with 100 or more employees in the fields of road maintenance, construction, local fire protection, water supply/distribution, or sewage

treatment. Units of local government are affected.

*Questions/requests for
copies/comments through 10/27/25:
Anna Koeppel, DOL, 524 S. 2nd Street
Suite 400, Springfield IL 62701, 217-
558-1270, Anna.Koeppel@illinois.gov*

HOSPITAL ASSISTANCE

The OFFICE OF THE ATTORNEY GENERAL proposed amendments to the Part titled Hospital Financial Assistance Under the Fair Patient Billing Act (77 IAC 4500; 49 Ill Reg 11198) that allow patients at least 90 (currently 60) days after discharge to submit a request for financial assistance and update the Attorney General's office address to which hospitals must send required reports.

*Questions/requests for
copies/comments through 10/27/25:*

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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.

Proposed Rulemakings

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Lee Ann Schoeffel, OAG, 500 S. Second St., Springfield IL 62701, 217-782-9070, lee.schoeffel@ilag.gov, or Judith Parker, OAG, 115 S. LaSalle St., 25th Floor, Chicago IL 60603, 3120814-3717, judith.parker@ilag.gov

AUDITOR GENERAL

The OFFICE OF THE AUDITOR GENERAL proposed amendments to the Parts titled Code of Regulations (74 IAC 420; 49 Ill Reg 11209) and Code of Rules (74 IAC 440; 49 Ill Reg 11217). The Part 420 amendment updates the incorporated version of the federal Government Auditing Standards from the 2018 to the 2024 edition. The Part 440 rulemaking

updates the mailing address for the Fraud hotline in Section 440.910.

Questions/requests for copies/comments on the 2 Auditor General rulemakings through 10/27/25: Margaret Livingston, Office of the Auditor General, 400 W. Monroe St., Suite 306, Springfield IL 62704, 217-782-6046, mlivingston@auditor.illinois.gov

Adopted Rules

• VOTER REGISTRATION

The STATE BOARD OF ELECTIONS adopted a new Part titled Automatic Voter Registration (26 IAC 300; proposed at 49 Ill Reg 3834) effective 8/26/25 at 49 Ill Reg 11259, establishing an automatic voter registration program required by the Election Code. The program allows designated voter registration agencies as defined in the Election Code to transmit voter registration information to election authorities (county clerks and election commissioners). A designated agency is an agency that provides licenses, permits or services to individuals and routinely provides these individuals with applications/renewals, change of address forms, or recertifications. Designated agencies must have interagency agreements with SBEL and initiate joint rules for their automatic voter registration programs within 90 days after executing an agreement. The Part establishes the information that SBEL and local election authorities will accept and use to verify voter registrations; this includes driver's license or state ID cards with signatures, license or ID numbers, and the last four digits of Social Security numbers. A designated agency may offer opt-in registration (the individual must affirm intent to register or update voter registration before the agency can transmit information), opt-out registration (the agency will automatically transmit voter registration information unless the individual requests otherwise), or website transfer (the individual is given the opportunity to transmit a web-based voter registration application pre-filled with information provided to the agency). An agency that collects or cross references reliable personal information regarding citizenship (birth certificates, passports, naturalization

certificates) can offer all three forms of registration, but an agency that does not collect or cross-reference this information cannot use opt-out registration. SBEL will not accept or store information from birth certificates, passports or other citizenship documents. SBEL will continue to transmit to election authorities all valid voter registrations received from designated voter registration agencies after the close of a registration period. If an electronic voter registration application lacks a signature, election authorities cannot reject it on that basis but shall place it in "pending status" and send the voter a written application requesting a signature and confirmation of the license/ID and SSN information received by the election authority. Individuals with applications in pending status shall not be permitted to vote until they provide signature confirmation, but the election authority shall not remove individuals in pending status from their registration rolls. Any voter registration application that is dated before the 16th day prior to an election will be deemed timely received. Local election authorities are affected by this rulemaking.

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

• PHYSICIAN LICENSURE

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to the Part titled Medical Practice Act of 1987 (68 IAC 1285; proposed at 49 Ill Reg 278) effective 8/29/25 at 49 Ill Reg 11270, implementing recent changes to the Medical Practice Act affecting international medical graduates who have been trained and have practiced

outside the United States. Individuals who graduated from a foreign medical school, are licensed as physicians in another country, and have passed the United States Medical Licensing Examination are eligible to receive a limited 2-year license allowing them to practice only with an approved sponsoring entity (e.g., hospital, community health center, State mental health facility or developmental center) under the direction of a supervisory physician in the same or a similar specialty with a full and unrestricted Illinois physician license. An initial applicant for the limited license (renewable every 2 years) must have practiced medicine in their country of licensure for at least 2 of the past 5 years (changed since 1st Notice from 3 of the past 10 years) or have documented clinical experience in the U.S., and must agree to have the supervising physician assess and evaluate their clinical skills. An individual who successfully completes 2 years of practice under this limited license becomes eligible to apply for a 2-year restricted license under which they may practice in a designated Health Professional Shortage Area, Medically Underserved Area, or Medically Underserved Population in Illinois. This license confines the physician's practice to the designated area or population but otherwise does not restrict their type of practice (independent or affiliated with a hospital, medical practice or other healthcare entity). Successful completion of 2 years of this restricted practice qualifies the individual to apply for a full unrestricted Illinois physician's license. Changes since 1st Notice include clarifications regarding approved sponsoring entities, supervisor qualifications, documentation of foreign education/training and medical

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Adopted Rules

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experience, and the areas in which a physician with a restricted license may practice. Also, current Illinois licensure as an advanced practice registered nurse or physician assistant with no disciplinary record may be accepted as evidence of U.S. clinical experience on the part of an international medical graduate. Those affected by this rulemaking include international medical graduates and healthcare entities that employ them.

Questions/requests for copies: Craig Cellini, DFPR, 320 W. Washington St., 2nd Floor, Springfield IL 62786, 217-785-0810, fax 217-557-4451, Craig.Cellini@illinois.gov

▪ HOTEL TAX

The DEPARTMENT OF REVENUE proposed an amendment to the Part titled Hotel Operators' Occupation Tax Act (86 IAC 480; proposed at 49 Ill Reg 3844) effective 8/27/25 at 49 Ill Reg 11548, reflecting changes made to the Act by Public Act 103-0592. The rulemaking provides that effective 7/1/24, when hotel rooms are booked and then re-rented by another party (e.g., to persons attending a convention or other event) which collects rental fees for these rooms, that party is responsible for paying the hotel operators' tax due on the rent it has collected. An out-of-State re-renting entity with no presence in Illinois other than its re-renting business becomes liable for hotel operators' tax if its cumulative gross receipts from Illinois rentals total \$100,000 or more, or if it makes 200 or more transactions for Illinois rentals, in a 12-month period. Other provisions address and give examples of hotel tax and hotel tax credit provisions for hosting platforms (e.g., Air BnB, VRBO) through which short-

term rentals of homes, apartments, condominiums, etc. are made; clarify the tax exemption for foreign diplomatic personnel; state that if a hotel guest overpays a charge meant to cover the hotel operator's tax, the guest has a right to claim a refund, and the overpaid amount must be paid to DOR if not refunded; and clarifies that persons who rent hotel rooms only to long-term residents (30 days or more) are exempt from the Act. Hotel operators and others who provide or manage short-term rentals are affected.

Questions/requests for copies: Thomas Grudichak, DOR, 101 W. Jefferson St., Springfield IL 62794, 217-524-4821, REV.GCO@illinois.gov

HOSPITALS

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to Hospital Licensing Requirements (77 IAC 250; proposed at 49 Ill Reg 3443) effective 8/26/25 at 49 Ill Reg 11475, 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 developed by DPH to educate parents concerning the Liam's Law notice. Since 1st Notice, DPH has clarified that at least one copy of a Liam's Law notice must be provided to parents in writing as well as electronically, and

clarified that the definition of a stillbirth requiring a Liam's Law notice does not include abortions as defined in the Reproductive Health Act.

NURSING HOMES

DPH also adopted an amendment to Skilled Nursing and Intermediate Care Facilities Code (77 IAC 300; proposed at 49 Ill Reg 5872) effective 8/26/25 at 49 Ill Reg 11527, that permits required diet manuals and individual diet orders to be in either printed or electronic form. The diet manuals must be available to the food and nutrition services department and to the nursing department for use by medical providers or dietitians writing diet orders. (Previously, one printed copy was kept in the kitchen and other copies at each nurses' station.) Since 1st Notice, DPH has replaced the term "physician" with "medical provider", which includes physicians, advanced practice registered nurses, and physician assistants.

▪ HEALTH DEPARTMENTS

DPH adopted amendments to Home Health, Home Services, and Home Nursing Agency Code (77 IAC 245; proposed at 49 Ill Reg 7485) effective 9/2/25 at 49 Ill Reg 11469, and Hospice Programs (77 IAC 280; proposed at 49 Ill Reg 7490) effective 8/29/25 at 49 Ill Reg 11518, implementing PA 103-734. The PA and these rulemakings prohibit DPH from charging licensing fees to certified local health departments for licensure of home health agencies or hospice programs. The Part 245 rulemaking also adds existing statutory language that applies the same prohibition to home nursing, home nursing placement, and home services placement agencies. Local health departments are affected.

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Adopted Rules

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AIDS DRUG ASSISTANCE

DPH also adopted an amendment to AIDS Drug Assistance Program (77 IAC 692; proposed at 49 Ill Reg 7498) effective 8/29/25 at 49 Ill Reg 11543, that updates the income limits for the program (300% of the current Federal Poverty Level based on household size) to reflect the 2025 FPL guidelines adopted by the federal Department of Health and Human Services.

Questions/requests for copies of the 5 DPH rulemakings: Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield IL 62701, 217-782-1159, dph.rules@illinois.gov

AABD BENEFITS

The DEPARTMENT OF HUMAN SERVICES adopted amendments to Aid to the Aged, Blind or Disabled (89 IAC 113; proposed at 49 Ill Reg 2411) effective 8/29/25 at 49 Ill Reg 11286, increasing the AABD adjustment allowance (amount of Supplemental Security Income (SSI) that a recipient may keep) and the AABD sheltered, personal and nursing care rates by \$24 per month to match the amount of the 2025 SSI benefit increase. The adjustment allowance is now \$788.90 (currently \$764.90) per month.

DHS SCHOOLS

DHS also adopted amendments to the Parts titled Role of Residential Educational Facilities Operated by the Illinois Department of Human Services (89 IAC 750; proposed at 49 Ill Reg 5636) and Admission Procedures (89 IAC 755; proposed at 49 Ill Reg 5641) effective 8/29/25 at 49 Ill Reg 11298 and 11303, that extend eligibility for admission to schools operated by the DHS Division of Rehabilitation Services

(Illinois School for the Deaf, the Illinois School for the Visually Impaired, and the Illinois Center for Rehabilitation Education-Roosevelt) to students through age 22 (previously 21) and allows students who turn 22 during a regular school term to remain enrolled through the end of the school year.

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

DHS.AdministrativeRules@illinois.gov

HEALTH INSURANCE

The DEPARTMENT OF INSURANCE adopted amendments to Health Insurance Rate Review (50 IAC 2026; proposed at 49 Ill Reg 7427) effective 8/28/25 at 49 Ill Reg 11309, implementing Public Act 103-649, which bans short-term, limited duration health insurance plans effective 1/1/25, and PA 103-650, which grants DOI prior approval authority over health insurance premium rates for non-grandfathered large group plans (other than excepted benefits) for policies amended, delivered, issued, or renewed on or after 1/1/26. These amendments specify the types of information that DOI needs to evaluate non-grandfathered large group rate filings and clarifies the documentation required for DOI to review rates for grandfathered health plans, excepted benefits, and student health insurance coverage. Other provisions clarify anti-discrimination and confidentiality measures, add definitions, and clarify which Sections apply only to individual and small group rates.

Questions/requests for copies: Christina Roy, DOI, 320 W. Washington St., 4th Floor, Springfield IL 62767, 217-785-0598, Christina.Roy2@illinois.gov

PAINT DISPOSAL

The POLLUTION CONTROL BOARD adopted amendments to the Parts titled RCRA Permit Program (35 IAC 703; proposed at 49 Ill Reg 5114, adopted at 49 Ill Reg 11329), Hazardous Waste Management System: General (35 IAC 720; proposed at 49 Ill Reg 5124, adopted at 49 Ill Reg 11338), Identification and Listing of Hazardous Waste (35 IAC 721; proposed at 49 Ill Reg 5162, adopted at 49 Ill Reg 11375), Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 IAC 724; proposed at 49 Ill Reg 5172, adopted at 49 Ill Reg 11384), Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities (35 IAC 725; proposed at 49 Ill Reg 5192, adopted at 49 Ill Reg 11403), Land Disposal Restrictions (35 IAC 728; proposed at 49 Ill Reg 5210,, adopted at 49 Ill Reg 11420), and Standards for Universal Waste Management (35 IAC 733; proposed at 49 Ill Reg 5220, adopted at 49 Ill Reg 11429,) all effective 8/27/25, implementing Public Acts 103-372 and 103-887. These Acts require manufacturers of architectural paint sold at retail to establish and operate a post-consumer paint stewardship program, and also require the Illinois Environmental Protection Agency and PCB to adopt rules permitting oil-based paints to be treated as "universal waste" in the same manner as batteries, pesticides, mercury-containing equipment, lamps, and aerosol cans. The Part 703 amendments clarify that collectors of paint and paint-related waste (PPRW) are not required to obtain RCRA permits. Amendments to Parts 720, 721, 724, 725, and 728 reflect the classification of PPRW as a universal

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Adopted Rules

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waste. The Part 733 rulemaking defines PPRW and establishes standards and procedures for

handling this waste. Those affected by these rulemakings include businesses and municipalities that dispose of or collect paint related waste.

Questions/requests for copies of the 7 PCB rulemakings: Clerk's Office, PCB,

60 E. Van Buren, Suite 630, Chicago IL 60605, 312-814-3621, don.brown@illinois.gov. Please reference Docket R25-22.

Next JCAR Meeting: Tuesday, Sept. 16, 11 a.m.

Room C-600, Bilandic Bldg., 160 N. La Salle, Chicago

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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