

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.

Emergency Rules

VACCINE COVERAGE

The DEPARTMENT OF INSURANCE adopted an emergency amendment to Construction and Filing of Accident and Health Insurance Policy Forms (50 IAC 2001; 49 Ill Reg 14849) effective 10/28/25 for a maximum of 150 days. This emergency rule implements Executive Order 2025-4, which requires State-regulated health insurers to cover, without cost sharing or copayments, vaccines recommended by the Illinois Department of Public Health instead of basing vaccine coverage on the recommendations of the federal Advisory Committee on Immunization Practices (ACIP). Vaccines directly affected by this emergency rule include:

-- COVID-19, which ACIP no longer categorically recommends but endorses "shared clinical decision making" between the individual and healthcare provider for all persons aged 6 months and older. DPH,

however, continues to recommend COVID-19 vaccination for all children ages 6 to 23 months; children ages 2 to 17 with an underlying risk factor or whose parents or guardians desire them to be vaccinated; and all adults age 18 and older (including those who are pregnant, postpartum or lactating).

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-- Combination measles-mumps-rubella-varicella (chickenpox) vaccination (MMRV) for children under age 4. ACIP now recommends only separate MMR and varicella vaccination for this age group while DPH endorses either option.

-- DPH also recommends influenza (flu) vaccination for all persons age 6 months or older and Respiratory Syncytial Virus (RSV) vaccination during the 32nd through 36th week of pregnancy and for infants under 8

months of age whose mothers were not vaccinated; children ages 8-19 months and adults ages 50-74 years who are at increased risk of severe RSV disease; and all adults ages 75 and older.

-- For other routine, non-seasonal vaccinations, DPH recommends following the Centers for Disease Control and Prevention's (CDC) Child and Adolescent Immunization Schedule and Adult Immunization Schedule that were in effect on 8/7/25. DPH will consider whether or not to adopt any subsequent changes in these schedules.

Questions/requests for copies: Robert Planthold, DOI, 115 S. LaSalle St. 13th Floor, Chicago IL 60603, 312-814-5445, robert.planthold@illinois.gov, or Susan Anders, DOI, 320 W. Washington St., 4th Floor, Springfield IL 62767, 217-558-0957, sue.anders@illinois.gov

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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.

Emergency Rules

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HOSPITAL ASSESSMENTS

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted emergency amendments to Medical Payment (89 IAC 140; 49 Ill Reg 14799) effective 11/3/25 for a maximum of 150 days. A companion proposed rulemaking appears in this week's *Illinois Register* at 49 Ill Reg 14475. The emergency and proposed rulemakings implement PA 104-7 and reflect previous hospital assessment program provisions already in the Public Aid Code.

Unpaid Assessments

Beginning 9/1/25, HFS shall immediately collect all overdue unpaid assessments and penalties through statutorily authorized collection methods, unless the hospital has agreed to a payment or tax deferral plan by that date. These rulemakings remove a prohibition on HFS initiating collections, refunds, credits or other adjustments of hospital assessments more than 3 years after their due date. DPH's listing of licensed hospital providers will now include monthly assessment amounts for each hospital and any unpaid assessments more than 90 days delinquent. HFS may, in its discretion, foreclose on a lien placed

against a hospital for unpaid assessments and shall (previously, may) collect unpaid assessments by withholding reimbursements, including but not limited to payments from Medicaid MCOs. These collection requirements can be waived during a disaster proclaimed by the Governor if a hospital is in temporary financial distress and enters an agreement with HFS specifying when all assessments owed will be paid. Hospitals can also avoid collection action by entering into a repayment plan (maximum 36 months) or a tax deferral agreement (maximum 6 months) within 30 days after receiving notice of an unpaid assessment.

New Assessments

Effective 1/1/25, these rulemakings increase the inpatient hospital assessment from \$221.50 to \$362 per non-Medicare occupied bed day and the outpatient assessment from 1.525% to 3.273% of gross outpatient revenue. The previous assessment rates shall remain in effect until HFS receives federal approval and implements its new reimbursement rates. HFS may bill hospitals for the difference between the previous assessment and the new assessment, retroactive from 1/1/25 through the date of federal approval, no earlier than 17 days after the new reimbursement rates are implemented. These payments shall be due no later than 12/31/25. These

assessments shall not take effect if payments to hospitals from the Healthcare Provider Relief Fund are deemed not eligible for federal match.

Other

These rulemakings increase the amount of collected assessments to be transferred from the Hospital Provider Fund to the Healthcare Provider Relief Fund to \$505,637,082 for calendar year 2025 and every calendar year thereafter once new reimbursement rates are fully implemented. Until then, the transfer amount of \$365 million authorized in State fiscal years 2023 and 2024 shall remain in effect. If assessment rates are reduced, the transfer amount will be reduced by the same percentage. Additional provisions update the formula for adjusting outpatient assessments; allow some hospitals to choose classification as either a safety net hospital or high Medicaid hospital on a year-by-year basis; and establish "hypothetical" assessments for specific hospitals that changed ownership in 2021 and 2022.

Questions/requests for copies/comments on the proposed rulemaking through 12/29/25: Kathy Hunt Muse, HFS, 201 S. Grand Ave. East, 3rd Floor, Springfield IL 62763-0002, 217-782-1233, HFS.Rules@illinois.gov

Proposed Rulemakings

TRAFFIC ENFORCEMENT

The ILLINOIS STATE POLICE proposed a new Part titled O'Hare Driver Safety Act (92 IAC 3500; 49 Ill Reg 14504) outlining its enforcement procedures for the Act [625 ILCS 80], which prohibits stopping or standing on exit ramps or highway shoulders within a 2-mile radius of O'Hare International Airport. ISP will enforce the Act

through automated traffic safety cameras that it will procure, install and maintain. After ISP has determined the routes where these cameras will be installed, it will work with the appropriate highway agencies to post signage advising motorists that stopping or standing along the route is prohibited, and that the route is being monitored by an automated traffic safety system. Recorded images from

this system will be used to identify violators; these images will be made available to alleged violators through a link at the ISP website. Violations are subject to a \$100 civil penalty, which will not be classified as a moving violation and will not be recorded on a driver's record. Persons wishing to contest a notice of violation may re-

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Proposed Rulemakings

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quest an administrative review hearing before an Administrative Law Judge, who must issue a recommendation within 45 days after the hearing. A final decision will be made by the ISP Director within 30 days after receiving the recommendation and case record.

Questions/requests for copies/comments through 12/29/25: Steffanie Garrett, ISP, 801 S. Seventh St., Suite 1000-S, Springfield IL 62703, 217-782-7658, Steffanie.N.Garrett@Illinois.gov

STATE RETIREMENT

The STATE EMPLOYEES' RETIREMENT SYSTEM proposed amendments to

The Administration and Operation of the State Employees' Retirement System of Illinois (80 IAC 1540; 49 Ill Reg 14482) clarifying certain aspects of Qualified Illinois Domestic Relations Orders (QILDROs) that divide pension benefits between divorced spouses or among family members. The rulemaking clarifies that if a QILDRO provides that a portion of a member's partial refund will be payable to an alternate payee but the QILDRO Calculation Order (QCO) itself does not allocate a portion of the partial refund to the alternate payee, then the entire partial refund shall be payable to the member. This rulemaking also provides that no QCO is required when the death benefit is payable to only the Alternate Payee and the member's estate, or when the death benefit totals the minimum of \$500 established in the Pension Code.

Questions/requests for copies/comments through 12/29/25:

Jeff Houch, State Retirement Systems, 2101 S. Veterans Pkwy., PO Box 19255, Springfield IL 62794-9255, 217-524-8105, fax 217-557-3943, jeff.houch@srs.illinois.gov

DNR LEASES

The DEPARTMENT OF NATURAL RESOURCES proposed an amendment to the Part titled Regulations for the Letting of Concessions, Farm Leases, Sale of Buildings and Facilities, and Demolitions (17 IAC 150; 49 Ill Reg 14478) correcting a statutory citation to the Illinois Procurement Code [30 ILCS 500], to which all DNR agricultural management leases are subject.

Questions/requests for copies/comments through 12/29/25: John Fischer, DNR, One Natural Resources Way, Springfield IL 62702, 217-782-1809, dnr.rules@illinois.gov

Adopted Rules

• PAWNBROKERS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to the Part titled Licensing and Regulation of Pawnbrokers (38 IAC 360; proposed at 49 Ill Reg 9311) effective 10/29/25 at 49 Ill Reg 14602, that update procedures for licensing and disciplining pawnbrokers following enactment of the Pawnbroker Regulation Act of 2023 (Public Act 103-585). This rulemaking includes new statutory definitions of "pawn" and "pawnbroker"; modifications to the application and renewal process; changing the application and renewal fee to \$2,000 (previously, \$1,000 plus associated fees) and adding a new fee (\$800) for investigation of a new applicant; and an annual fiscal year (due on or before July 30) examination

fee for pawnbrokers based on the total dollar amount financed in the previous calendar year (\$280 for licensees that have financed less than \$250,000; \$530 for licensees that have financed \$250,000 or more). An in-person examination of each pawnbroker licensee must be conducted by the DFPR Division of Banking every 3 years, or whenever warranted due to complaints by customers or vendors, allegations of fraud, government investigations, change of ownership, or notice of cancellation of a surety bond. Examinations can be conducted virtually if the pawnbroker's most recent examination had no findings of noncompliance or financial or operational weaknesses, or if a virtual examination would be more cost effective. DFPR may also enter into cooperative agreements with other

regulators to share and accept examination reports. Providers of Responsible Pawnbroker Training must renew their DFPR approval every even-numbered year, with applications accepted only between August 1 and 31 of the renewal year and a renewal fee of \$2,000. Applications for initial approval of training vendors will be accepted every 4 years beginning in August 2024 and also require a \$2,000 application fee. The Responsible Pawnbroker Training curriculum must address, among other topics, federal, State and local laws affecting pawnbrokers; store operations; how to identify and price precious metals, jewelry, firearms and other commonly pawned items; how to identify and prevent money laundering and poten-

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Adopted Rules

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tially fraudulent transactions; and the federal Military Lending Act (which regulates payday/consumer lending and other transactions involving members of the military or their families). The rulemaking also repeals an obsolete fee schedule for unregistered buyers (purchasers of scrap metal, precious metals, coins or jewelry doing business at temporary locations). Other changes include modifications to the surrender process, administrative hearing process (now aligned with other Division of Banking licensees in 38 IAC 100), and the basis for and process of issuing disciplinary orders. Finally, beginning 4/1/26, the Pawnbroker Section of the Division of Banking must file a semiannual (every April 1 and October 1) report with the DFPR Secretary of its expenses and activities. Since 1st Notice, DFPR has retained several Sections that were originally to be repealed; required pawnbrokers to keep records for at least 5 years instead of 3 years; clarified the definition of "principal party"; and clarified other aspects of this rule. Pawnbrokers and vendors offering pawnbroker training are affected by this rulemaking.

• MONEY TRANSMITTERS

DFPR also adopted amendments to the Part titled Uniform Money Transmission Modernization Act (38 IAC 207; proposed at 49 Ill Reg 9306) effective 10/29/25 at 49 Ill Reg 14598, that update the Part to align with the Act. This rulemaking adds definitions and clarifies that the provisions of the Financial Institutions Act apply to licensees, delegates, and other persons or entities engaged in activities regulated under this Part. When the Secretary of DFPR issues a cease and desist, civil penalty, or

administrative penalty order, formal written notice shall be given to the affected person, who then has 10 business days after receiving the notice to file a request for a hearing. Hearings shall be conducted according to the rules in 38 IAC 100. Businesses that engage in money transfers (e.g., currency exchanges) are affected.

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

• SCHOOLS

The ILLINOIS STATE BOARD OF EDUCATION adopted amendments to Requirements for Accounting, Budgeting, Financial Reporting, and Auditing (23 IAC 100; proposed at 49 Ill Reg 7107) effective 10/29/25 at 49 Ill Reg 14518, that update or remove outdated references and streamline current and potential future reporting requirements. These amendments include a recommended account code structure and allow ISBE to collect annual financial report (AFR) copies electronically so that Regional Offices of Education no longer have to mail paper copies to ISBE. AFRs must include, in addition to items already listed in rule, a schedule of restricted local tax levies and selected revenue sources; a schedule of tort immunity expenditures; and a report on shared services or outsources. AFRs for all districts (currently, other than Chicago Public Schools) must also include budget-to-actual comparison schedules and a schedule of other payments. Other changes allow signatures to be collected electronically when submitting required documents and require districts to submit a corrective action plan for findings on the auditor questionnaire at the time that district

accepts the audit. Local school districts are affected.

Questions/requests for copies: Azita Kakvand, ISBE, 555 W. Monroe St., Suite 900, Chicago IL 60661, 312-783-2757, rules@isbe.net

DCFS FACILITIES

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES adopted amendments to the Part titled Public Notice of Change in License (89 IAC 376; proposed at 49 Ill Reg 1907) effective 10/28/25 at 49 Ill Reg 14512, implementing updates to the Child Care Act of 1969 that have taken place since this Part was last amended in 1999. The definition of a child care institution is expanded to include institutions established under the Specialized Mental Health Rehabilitation Act of 2013, the ID/DD Community Care Act (Intermediate Care Facilities for the Developmentally Disabled), or the MC/DD Act (Medically Complex for the Developmentally Disabled). Child care institutions, maternity centers and group homes must request approval from DCFS prior to changing the range of services offered at the facility, the age or type of children served, or the area within the facility that is used by children. For a requested change in services offered or type of children served (e.g., children with disabilities or with behavioral issues), DCFS must post public notice of the request in a newspaper of general circulation serving the affected area for at least 3 consecutive weeks, and accept public comments until 5 working days after the final publication of the notice. A request to change the ages of children served or the area within the facility that will be used by children will be posted on DCFS' website for 30 days. DCFS must notify the facility of its decision to approve or deny the requ-

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Adopted Rules

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ested changes within 10 days after the final publication of the notice. The rulemaking also updates the mailing address where public comments are received. Child care institutions are affected by this rulemaking.

Questions/requests for copies: Jeff Osowski, DCFS, 406 E. Monroe St., Station #65-D, Springfield IL 62701, 217-524-1983, Email: DCFS.Policy@illinois.gov

SPORTS WAGERING

The ILLINOIS GAMING BOARD adopted amendments to Sports Wagering (11 IAC 1900; proposed at 49 Ill Reg 8840) effective 10/28/25 at 49 Ill Reg 14640, that prohibit the use of credit cards to fund a patron's electronic sports wagering account. (ACH or debit cards utilizing funds the patron has on hand may still be used for this purpose.) Entities that hold sports wagering licenses are affected.

Questions/requests for copies: Daniel Gerber, IGB, 160 N. LaSalle St., Chicago IL 60601, 312-814-4700, fax 312-814-7253, IGB.RuleComments@Illinois.gov

EARLY INTERVENTION

The DEPARTMENT OF HUMAN SERVICES adopted amendments to Early Intervention Program (89 IAC 500; proposed 49 Ill Reg 8044) effective 10/30/25 at 49 Ill Reg 14654, that expand the definition of "eligible child" and update eligibility determination criteria to include children up to age 3 who are the subject of a substantiated case of child abuse or neglect (in addition to children with developmental delays or conditions placing them at risk of developmental delays). The

rulemaking also amends the definition of "extended services" (services covering a gap between the child's 3rd birthday and the start of their first year in preschool) in accordance with the federal Individuals with Disabilities Education Act (IDEA) to include children who have Individualized Education Programs (IEPs).

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

HUNTING & TRAPPING

The DEPARTMENT OF NATURAL RESOURCES adopted amendments to the Parts titled Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote, Bobcat and Woodchuck (Groundhog) Hunting (17 IAC 550; proposed at 49 Ill Reg 9912) and Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, River Otter, Beaver, Bobcat and Woodchuck (Groundhog) Trapping (17 IAC 570; proposed at 49 Ill Reg 9930) effective 10/30/25 at 49 Ill Reg 14729 and 14747, that implement Public Act 104-19 by removing gray fox from the names of these Parts and from the list of furbearing animals that may be hunted or trapped. These rulemakings replace emergency rules adopted on 7/9/25 implementing the gray fox hunting ban, and also make other site-specific changes.

ENDANGERED SPECIES

DNR also adopted amendments to the Parts titled Illinois List of Endangered and Threatened Fauna (17 IAC 1010; proposed at 49 Ill Reg 9947) and Illinois List of Endangered and Threatened Flora (17 IAC 1050; proposed at 49 Ill Reg 9958) effective 10/30/25 at 49 Ill Reg 14764 and 14774, updating these lists in

accordance with recommendations of the Illinois Endangered Species Protection Board. Listings of fish, amphibians, reptiles, invertebrates, and mammals that have been changed in Part 1010 include 8 species of bees added to the endangered list and 4 bee species to the threatened list; multiple species of butterflies, moths and leafhoppers added to the threatened list; brassy minnow (upgraded from threatened to endangered), banded pygmy sunfish and streamline chub (added as threatened), coachwhip and southern watersnake (removed from the endangered amphibians and reptiles list), and northern long-eared bat (upgraded from threatened to endangered). The Part 1050 amendments reorganize many of the existing endangered/threatened plant listings into the categories of ferns and allies (plants that propagate via spores), angiosperms (flowering plants with enclosed seeds), and gymnosperms (non-flowering plants with naked seeds or seeds in cones) rather than listing them by scientific names.

Questions/requests for copies of the 4 DNR rulemakings: Parts 550 and 570, John Fischer; Parts 1010 and 1050, Nicole Thomas; DNR, One Natural Resources Way, Springfield IL 62702-1271, 217-782-1809, Email: dnr.rules@illinois.gov

HEALTH INSURANCE EXCHANGE

The DEPARTMENT OF INSURANCE adopted amendments to the Part titled Illinois Health Benefits Exchange (50 IAC 4500; proposed at 49 Ill Reg 9724) effective 10/28/25 at 49 Ill Reg 14672, that will implement the final phase of the exchange's transition from a State-based exchange on the federal platform (SBE-FP) to a fully State-based exchange (SBE) by the

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Adopted Rules

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target plan year of 2026. This rulemaking clarifies and adds definitions, updates incorporations by reference, and clarifies which provisions will apply before and after the transition to an SBE. Various functions that are currently handled by the federal Department of Health

and Human Services for SBE-FPs will be transferred to DOI when the SBE takes effect, although DOI will retain many of the current federal rules. Other provisions concern training requirements for agents and brokers; procedures for denial, suspension or revocation of an insurance producer's Exchange certificate; special enrollment periods for triggering events (e.g., death of an enrollee or dependent, pregnancy, loss of

Medicaid or minimum essential insurance coverage); and the administrative appeal process for eligibility determinations.

Questions/requests for copies: Morgan Winters, DOI, 115 S. LaSalle St., Fl. 13, Chicago IL 60603, 312- 814-1478, Morgan.Winters@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 December 16, 2025 meeting in Chicago. 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.

ELEVATOR SAFETY REVIEW BOARD

Illinois Elevator Safety Rules (41 IAC 1000; 49 Ill Reg 3711) proposed 3/28/25

DEPT OF PUBLIC HEALTH

Home Health, Home Services, and Home Nursing Agency Code (77 IAC 245; 49 Ill Reg 7878) proposed 6/6/25

Intermediate Care for the Developmentally Disabled Facilities Code (77 IAC 350; 49 Ill Reg 11035) proposed 9/5/25

Intermediate Care for the Developmentally Disabled Facilities Code (77 IAC 350; 49 Ill Reg 11233) proposed 9/12/25

Next JCAR Meeting: Tuesday, Nov. 18, 11 a.m.

Room C-600, Bilandic Building, 160 N. LaSalle St., 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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