

THE FLINN REPORT

ILLINOIS GENERAL ASSEMBLY JOINT COMMITTEE ON ADMINISTRATIVE RULES

Elaine Spencer, Editor

VOLUME 49

ISSUE 52

December 26, 2025

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

• HEALTH INSURANCE

The DEPARTMENT OF INSURANCE proposed amendments to Construction and Filing of Accident and Health Insurance Policy Forms (50 IAC 2001; 49 Ill Reg 16157) that will, upon adoption, replace emergency amendments that were effective 10/28/25 for a maximum of 150 days. The rulemaking implements Executive Order 2025-4 and Public Act 104-439, which require State-regulated health insurers to cover, without cost sharing or copayments, vaccines recommended by the Illinois Department of Public Health when DPH's recommendations conflict with those of the federal Advisory Committee on Immunization Practices (ACIP). Affected vaccines include COVID-19 and the combination measles-mumps-rubella and varicella (chickenpox) vaccine (MMRV), which ACIP no longer categorically recommends but DPH still recommends. The proposed

rulemaking also clarifies which types of health insurance policies are affected by the rules for preventive health care coverage contained in this Part; describes "shared clinical decision making" and prohibits insurers from placing certain restrictions on coverage that stems

Emergency Rule, Page 2
Adopted Rules, Page 3
Second Notices, Page 6

from shared clinical decision-making; clarifies when DPH guidelines take precedence over ACIP recommendations or Centers for Disease Control and Prevention (CDC) guidelines for purposes of establishing vaccination coverage; adds new definitions; and removes obsolete text. Those affected by this rulemaking include small municipalities with self-funded group health insurance plans.

Questions/requests for copies/comments through 2/9/26: Melanie Grant, DOI, 115 S. LaSalle St. 13th Floor, Chicago IL 60603, 312-793-3979, Melanie.Grant2@illinois.gov, or Susan Anders, DOI, 320 W. Washington St., 4th Floor, Springfield IL 62767, 217-558-0957, sue.anders@illinois.gov

• DOT PROCUREMENT

The CHIEF PROCUREMENT OFFICER FOR The DEPARTMENT OF TRANSPORTATION proposed amendments to the Part titled Chief Procurement Officer for the Department of Transportation – Contract Procurement (44 IAC 6; 49 Ill Reg 16138) implementing Public Act 103-865. (Proposed amendments to the same Part, published in the 10/3/25 *Illinois Register* at 49 Ill Reg 12287, were withdrawn last week in favor of this rulemaking.) The PA

(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)

amended the Public-Private Partnership for Transportation Act (P3 Act) by creating a process for submitting unsolicited proposals that are not in response to a formal or informal request issued by a responsible public entity. The rulemaking adds a new Subpart outlining procedures for receiving, reviewing and implementing unsolicited proposals under the P3 Act. DOT will post public notice that it will accept unsolicited proposals, and the approved methods for submitting proposals, on its website at least 30 days before the acceptance period begins. Proposals must be accompanied by the statutorily required proposal review fee. Unsolicited proposals must meet various financial and planning criteria specified in the rulemaking and cannot duplicate projects already being considered, planned or procured by DOT, or projects that DOT has declined, rejected, or abandoned within the previous 24 months. If an unsolicited proposal does not pass the eligibility determination review, DOT will refund the proposal review fee, but the contents of the proposal itself will remain the property of the State. If a proposal passes the eligibility determination review, DOT will conduct a preliminary evaluation of the proposal, followed by solicitation of counterproposals and a "best and final offer" process if one or more counterproposals are deemed to be superior to the original, unsolicited proposal. Public notice of the original proposal and counterproposals must be given to impacted communities and a public meeting held before a proposal is accepted and an agreement finalized. Additionally, the rule contains specifications for the

Emergency Rule

HOSPITAL ASSESSMENTS

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted emergency amendments to Medical Payment (89 IAC 140; 49 Ill Reg 16292) effective 12/11/25, modifying an earlier emergency rule adopted on 11/3/25 at 49 Ill Reg 14799 for the remainder of its 150-day term. (A companion proposed rulemaking was published in the 11/14/25 *Illinois Register* at 49 Ill Reg 14475.)

This emergency amendment reflects PA 104-7 but removes from the earlier emergency rule the following provisions not required by or included in the PA's emergency rulemaking authority: that DPH include in its listing of licensed hospital providers their monthly assessment amounts and any unpaid assessments more than 90 days delinquent; "hypothetical" assessments for certain hospitals that changed ownership in 2021 and 2022; and cleanup language reflecting past assessment programs and assessment adjustments that were not affected by the PA. (These changes remain in the companion proposed rulemaking.)

The following provisions remain in the emergency rule: 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. HFS is no longer prohibited from initiating collections, refunds, credits or other adjustments of hospital assessments more than 3 years after their due date. 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. Other provisions from PA 104-7 that increase hospital assessments and reimbursement rates for inpatient and outpatient services also remain in effect.

Questions/requests for copies: Kathy Hunt Muse, HFS, 201 S. Grand Ave. East, 3rd Floor, Springfield IL 62763-0002, 217-782-1233, HFS.Rules@illinois.gov

maintenance of project records, information confidentiality, and terms and conditions that must be included in awarded contracts. Businesses that bid on DOT contracts or submit unsolicited proposals to DOT will be affected.

Questions/requests for copies/comments through 2/9/26: Bill Grunloh, CPO-DOT, 2300 S. Dirksen Parkway, Springfield IL 62764, 217-558-5434, Bill.Grunloh@illinois.gov or DOT.AdminRules@illinois.gov

• BOILER SAFETY

The BOARD OF BOILER AND PRESSURE VESSEL RULES proposed amendments to the Part titled Boiler and Pressure Vessel Safety (41 IAC 2120; 49 Ill Reg 16123) updating national technical codes incorporated by reference in this Part (as required by the Boiler and Pressure Vessel Safety Act). The rulemaking also clarifies that completed forms that currently must be submitted to the National Board

(cont. page 3)

Proposed Rulemakings

(cont. from page 2)

shall also be submitted to the applicable State or local jurisdiction (the Office of the State Fire Marshal, or the City of Chicago), and that a confirmed submission of completed forms utilizing the National Board Electronic Data Transfer System (EDT)

also fulfills the requirement to submit these forms to the State or local jurisdiction. Reflecting current practice, the rulemaking also exempts owners/users and utilities that are licensed repairers or R-Stamp holders from having to submit these forms to the jurisdiction for work being performed on equipment they currently own (forms must still be submitted to the National Board in these instances). Businesses and

municipalities that own, use, install or repair boilers are affected.

Questions/requests for copies/comments through 2/9/26: Blake Fawns, Office of the State Fire Marshal, 1035 Stevenson Drive, Springfield IL 62703, 217-720-2964, SFM.2120rulemaking@fdmail.sfm.illinois.gov

Adopted Rules

• FUNERAL HOMES

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to Funeral Directors and Embalmers Licensing Code (68 IAC 1250; proposed at 49 Ill Reg 5595) effective 12/10/25 at 49 Ill Reg 16260, that establish chain of custody procedures through which funeral establishments must clearly identify human remains in their possession through final disposition. A unique identifier specific to the funeral establishment must be attached to all remains at each step of the disposition process, and affixed to the casket or alternative container prior to delivery of remains to a crematorium. The funeral director licensee must verify the identity of all remains upon assuming custody of the remains; prior to and following storage of remains; upon transfer to or from the funeral home, crematorium or another funeral establishment; and before transporting remains to final disposition. If remains are separated (e.g., cremated remains placed in more than one container), additional tracking tags must be attached to all containers. These chain of custody records must be kept for at least 5 years and may be electronic or paper based as long as DFPR has the ability to audit the files. The rulemaking also clarifies procedures for funeral

directors and embalmers seeking restoration of licenses that have been revoked, suspended, or not renewed, or have been on probation for 3 years or less. A new Section has been added concerning rehabilitation of licensees from disciplinary status, listing factors that DFPR will consider, including the seriousness of the offense that resulted in discipline; the time elapsed since the offense and evidence of rehabilitation or restitution to injured parties; and counseling or medical treatment received by the petitioner. Funeral homes and crematories are affected by this rulemaking.

• CEMETERIES

DFPR also adopted amendments to the Part titled Cemetery Oversight Act (68 IAC 1249; proposed at 49 Ill Reg 5568), effective 12/10/25 at 49 Ill Reg 16233, reflecting changes to the Cemetery Oversight Act. These amendments remove investigation and mediation fees and fees for duplicate or replacement certificates, and increase the fees for continuing education (CE) providers to \$200 (previously \$100) for initial approval and \$175 (previously \$75) for continuing approval. Applicants must provide an address of record to DFPR and update it within 14 days after any change. Cemetery managers and customer service personnel who begin

working for an exempt cemetery not subject to the Act may place their licenses in inactive status until they return to working for a cemetery authority subject to the Act. Obsolete references to fees charged for entering plots into a statewide database are removed. Certification requirements for death care trade associations intending to provide CE for licensed cemetery personnel now include: having an office in Illinois for completing and maintaining records; having a customer assistance phone number or e-mail address; providing a copy of its liability insurance; and attesting that the association has either never had its authority to provide CE withdrawn by DFPR, or that if it has, providing the dates and the reasons for the withdrawal. CE courses may be offered online if they meet certain requirements. CE program providers must use facilities that meet local health and safety codes and may not use private residences. DFPR may withdraw approval for a program without a hearing if the program does not meet its requirements. Cemeteries subject to the Act are affected.

Questions/requests for copies of the 2 DFPR rulemakings: Craig Cellini, DFPR, 320 W. Washington St., 2nd Floor,

(cont. page 4)

Adopted Rules

(cont. from page 3)

Springfield IL 62786, 217-785-0810,
fax 217-557-4451,
Craig.Cellini@illinois.gov

TANF HOUSING ASSISTANCE

The DEPARTMENT OF HUMAN SERVICES adopted amendments to Crisis Assistance (89 IAC 116; 49 Ill Reg 10703) effective 12/12/25 at 49 Ill Reg 16278, replacing emergency amendments that were effective 8/7/25. This rulemaking implements Public Act 104-2 by increasing the emergency shelter allowance for households receiving Temporary Assistance to Needy Families (TANF) to \$1,250 per month for up to 4 months (previously, \$250 toward one month's rent) and stating that assistance to TANF recipients who are victims of domestic violence is not contingent upon their having fled the abusive living situation. This rulemaking also requires that TANF clients be notified of crisis housing assistance availability when the client is homeless or at imminent risk of becoming homeless, or the client is a victim of domestic violence who is TANF eligible and has a good cause waiver from one or more TANF requirements, so long as funds are available. Housing assistance may be provided to TANF families facing eviction for reasons other than non-payment of rent, unless the non-payment is due to a documented theft or documented loss of cash, in which case the family may receive assistance up to the amount of money that was stolen or lost, but not to exceed the family's regular monthly payment level.

EARLY INTERVENTION

DHS also adopted an amendment to Early Intervention Program (89 IAC

500; proposed at 49 Ill Reg 45) effective 12/12/25 at 49 Ill Reg 16286, that updates the fee scale for Early Intervention services. The new sliding fee scale begins at \$50 per month for families with incomes between 319% and 350% of FPL, with no fees for families with incomes at or below 318% of FPL. (Previously, fees were \$10 to \$50 per month for families with incomes between 186% and 300% of FPL.) Fees for higher income brackets (more than 350% FPL) are unchanged.

Questions/requests for copies of the 2 DHS rulemakings: Tracie Drew, DHS, 100 S. Grand Ave. East, Harris Bldg., 3rd Fl., Springfield IL 62762, 217-785-9772, DHS.AdministrativeRules@illinois.gov

• WITNESS PROTECTION

The ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY adopted amendments to the Part titled Violent Crime Witness Protection Program (20 IAC 1590; proposed at 49 Ill Reg 10315), effective 12/12/25 at 49 Ill Reg 16176, that remove the Office of the Attorney General as a participating entity in the program; expand the definition of an "appropriate related person" to a crime victim or witness to include siblings, spouses, domestic partners and grandparents (in addition to parents, guardians and children); defines a local law enforcement agency in accordance with the Illinois Police Training Act; allow grants or reimbursement to program participants to be spent on administrative costs; and clarify that financial assistance from the program is available to State's Attorney's offices only if they do not already have a violent crime witness protection program. Counties, municipalities, and their State's Attorney offices or police departments may be affected.

Questions/requests for copies: Scott Risolute, ICJIA, 60 E. Van Buren St., Suite 650, Chicago IL 60605, 312-793-8643, fax 312-793-8422, Scott.Risolute@illinois.gov

IEPA CONTACT INFORMATION

The ILLINOIS ENVIRONMENTAL PROTECTION AGENCY adopted amendments to the following 9 Parts, all effective 12/4/25, updating its Springfield mailing address: Fees For Construction Permits Required Under Section 12(b) Of The Illinois Environmental Protection Act (35 IAC 320; 49 Ill Reg 16189), Requirements For Plans Of Operation and Maintenance Manuals (35 IAC 371; 49 Ill Reg 16193), Combined Sewer Overflow Exception Criteria And First Flush Determination (35 IAC 375; 49 Ill Reg 16200), Procedures For Reporting Releases Of Livestock Waste (35 IAC 580; 49 Ill Reg 16205), Minimal Hazard Certification (35 IAC 670; 49 Ill Reg 16209), Maximum Setback Zone For Community Water Supply Wells (35 IAC 671; 49 Ill Reg 16213), Water Supply Operator Certification (35 IAC 681; 49 Ill Reg 16217), Permit Fees For Installing Or Extending Water Main (35 IAC 690; 49 Ill Reg 16224), and Testing Fees For Analytical Services (35 IAC 691; 49 Ill Reg 16228). These rulemakings update the address to which reports, fees and other documents required by these Parts must be sent. As these are internal rulemakings under Sec. 5-15 of the Illinois Administrative Procedure Act, no First Notice or public comment period was required.

Questions/requests for copies of the 9 IEPA rulemakings: Charles E. Matoesian, IEPA, 2520 W. Iles Ave., P.O. Box 19726, Springfield IL 62794-9276, 217-782-5544, charles.matoesian@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 January 9, 2026, 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.

SECRETARY OF STATE

Rules of the Road – Persons with Disabilities Parking Program (92 IAC 1100; 49 Ill Reg 12647) proposed 10/10/25

Illinois Safety Responsibility Law (92 IAC 1070; 49 Ill Reg 14107) proposed 10/24/25

CAPITAL DEVELOPMENT BOARD

General Grantmaking (New Part) (44 IAC 7060; 49 Ill Reg 14148) proposed 10/31/25

General Grantmaking (Repealer) (71 IAC 41; 49 Ill Reg 14152) proposed 10/31/25

Next JCAR Meeting: Friday, Jan. 9, 11 a.m.

Room C-600, Bilandic Bldg., 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

Kim Schultz, Executive Director ■ Kevin Kulavic, Deputy Director
700 Stratton Office Building, Springfield IL 62706
217-785-2254 ■ jcar@ilga.gov