

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

• MEDICAL PAYMENT

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed amendments to Medical Payment (89 IAC 140; 50 Ill Reg 5443) implementing provisions of Public Act 102-43. This rulemaking adds licensed clinical professional counselors (LCPCs) under the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act and licensed marriage and family therapists (LMFTs) under the Marriage and Family Therapy Licensing Act to the list of licensed behavioral health practitioners whose services may be covered by medical assistance. LCPCs, LMFTs, and licensed clinical social workers are now classified as "other licensed behavioral health practitioners" who may be reimbursed for services performed within their scope of practice and training, including developmental and behavioral health screenings, diagnos-

tic evaluations, and therapeutic services provided in an office, home or community setting. The rulemaking also recognizes as Mental Health Professionals (MHPs) veteran support specialists who are certified by, and in good standing with, the Illinois Alcohol and Other Drug Abuse Professional Certification Association. Clinical

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professional counselors, marriage and family therapists, veteran support specialists, and their employers are affected.

Questions/requests for copies/comments through 6/8/26: Chris Gange, HFS, 201 S. Grand Ave. East, 3rd Floor, Springfield IL 62763-0002, 217-782-1233, HFS.Rules@illinois.gov

SEXUAL ASSAULT TREATMENT

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Sexual Assault Survivors Emergency Treatment Code (77 IAC 545; 50 Ill Reg 5503) implementing Public Acts 104-371 and 104-386. These Acts and this rulemaking define "acute sexual assault" as a sexual assault that occurred within the past 72 hours if the survivor is age 13 or older, or within the past 168 hours (7 days) for pediatric survivors under age 13, and replace the term "medical forensic services" with "medical forensic examinations" using the Illinois State Police Sexual Assault Evidence Kit.

Medical Forensic Exams

Hospitals must provide either medical forensic examinations, or transfers to another hospital or facility that can perform such examinations, to all

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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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patients presenting with a complaint of an acute sexual assault. A hospital can provide medical forensic examinations to acute sexual assault survivors age 13 and older and transfer to a pediatric healthcare facility for survivors under 13. A treatment hospital with approved pediatric transfer may, with prior approval from DPH, offer medical forensic examinations to pediatric survivors if a qualified medical provider is available and the hospital is working toward becoming a treatment hospital for all survivors. Medical forensic exams may not be performed without consent from the survivor or, if the survivor is unable to consent on their own, from the survivor's parent, guardian or healthcare power of attorney. A survivor may decline all or any portion of the Evidence Kit examination. If the parent or guardian of a survivor who is unable to consent is unavailable or unwilling to release an Evidence Kit for testing, the State's Attorney or Attorney General may petition a court to authorize release of the Evidence Kit. A qualified medical provider may offer an examination with the Evidence Kit to a survivor with a nonacute complaint of sexual assault occurring more than 72 hours previously (or more than 7 days previously for pediatric survivors) according to their clinical discretion and best practices for evidence collection.

Transfer Plans

In determining whether to approve a hospital's transfer plan, DPH must consider whether the plan will result in unduly burdensome patient transfers, based on factors that include distance to the nearest

treatment hospital, average number of survivors who present for treatment, number of qualified medical providers employed at the hospital, whether there is an areawide treatment plan or transfer agreements in effect, and whether adequate transportation services for survivors are available or can be provided.

Vouchers & Followup Care

Followup health care shall be covered by a sexual assault services voucher at no cost to the survivor. This care, which currently includes laboratory and pharmacy services provided within 180 days after the assault, now includes visits with a physician, advanced practice registered nurse or physician assistant within 180 days after the survivor initially presents for treatment. Hospitals with an approved treatment plan must also develop a billing protocol that ensures no survivor is billed for any medical forensic examination. Hospitals and pediatric healthcare facilities must issue vouchers to any survivor eligible to receive one and include the cost of transportation by ambulance, rideshare, taxi or other transportation from the hospital if needed. A healthcare professional, pharmacy, laboratory or ambulance provider that does not receive payment because the hospital/facility failed to issue a voucher may request a voucher from the Department of Healthcare and Family Services.

Qualified Medical Providers

A medical forensic examination may be performed by a qualified medical provider (i.e., a board-certified or board-eligible child abuse pediatrician, a sexual assault forensic examiner, or a Sexual Assault Nurse Examiner (SANE)) working in a treatment hospital, a treatment hospital with approved pediatric transfer, or an approved pediatric healthcare facility (currently,

personnel working in a hospital emergency department or approved pediatric healthcare facility). Qualified medical providers for purposes of this Part must be registered with the Office of the Attorney General.

SANE Program

The rulemaking adds a definition of and references to the SANE Program Coordinator employed by the Office of the Attorney General, who must be an APRN or RN who meets the criteria in this Part for a qualified medical provider, and updates the definition of a SANE to include adult/adolescent and pediatric/adolescent designations.

Violations

The rulemaking also updates complaint procedures regarding violations of the Sexual Assault Survivors Emergency Treatment Act or this Part. DPH will accept complaints from the Office of the Attorney General regarding alleged violations and will issue notice to hospitals or pediatric health care facilities if it determines a violation has occurred. If the hospital or facility fails to carry out a plan of correction for the violation, DPH will impose a fine of \$1,500 to \$3,000 for a first violation and \$3,000 to \$5,000 for a second or subsequent violation (current rule imposes a fine of up to \$500 per day).

Questions/requests for copies/comments through 6/8/26: Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield IL 62701, 217-782-1159, dph.rules@illinois.gov

• INCOME TAX

The DEPARTMENT OF REVENUE proposed amendments to Income Tax (86 IAC 100; 50 Ill Reg 5569) reflecting statutory changes from PA 104-6 that affect how interest expense deduct-

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Proposed Rulemakings

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ions for certain types of business entities are calculated and applied. For taxpayers whose interest expense deduction is limited under the provisions of the federal Internal Revenue Code Section 163(j), any disallowed interest deduction will be treated as relating first to interest paid to unrelated parties. The PA and this part also repeal two of the available exceptions to the addition modification for interest and one of the exceptions for intangible expenses. Businesses claiming the deductions listed in this rulemaking are affected.

▪ LIQUOR TAXES

DOR also proposed amendments to the Part titled Liquor Control Act (86 IAC 420; 50 Ill Reg 5608) updating definitions, taxing categories, exemptions from the per-gallon tax imposed by the Liquor Control Act, and procedures for filing liquor tax returns. The definition of liquor sales

now includes any transfer, exchange or barter involving alcoholic liquors, including via warehouse receipts or certificates and any transfer of liquor from a foreign importer's license to an importing distributor's license, even if both licenses are held by the same person. The definition of alcoholic liquor under the Act is expanded to include alcohol-infused products with more than 0.5% alcohol by volume, such as frozen ice cream or gelatin-based products. The off-premises consumption beer sales limit for brew pubs is raised from 50,000 to 155,000 gallons per year. The rulemaking also updates and clarifies which beverages are classified for tax purposes as beer, wine, cider, and spirits and provides that mixed drinks with added alcohol or spirits will be taxed as spirits. Businesses that sell, produce or distribute alcoholic liquors are affected.

Questions/requests for copies/comments on the 2 DOR rulemakings through 6/8/26: Part 100, Brian Stocker; Part 420, Kimberly Rossini; DOR, 101 W. Jefferson St., Springfield IL 62702, 217-782-7055, REV.GCO@illinois.gov

AABD BENEFITS

The DEPARTMENT OF HUMAN SERVICES proposed amendments to Aid to the Aged, Blind or Disabled (89 IAC 113; 50 Ill Reg 5491) that replace specific references to each year's monthly grant adjustment allowance with a general statement that this amount will be changed annually based on the Social Security Administration's SSI cost of living adjustment (COLA) that takes effect in January. The rulemaking also states that sheltered, personal and nursing care rates based on level of need and the location of the recipient's care facility will be posted at the DHS website instead of being listed in rule. DHS states that the grant adjustment and the care rates are both increasing by \$10 per month to match the 2026 SSI COLA.

Questions/requests for copies/comments through 6/8/26: Tracie Drew, DHS, 100 S. Grand Ave., East, Harris Building, 3rd Floor, Springfield IL 62762, 217-785-9772, DHS.AdministrativeRules@illinois.gov

Adopted Rules

• VIDEO GAMING

The ILLINOIS GAMING BOARD adopted amendments to Video Gaming (General) (11 IAC 1800; proposed at 49 Ill Reg 12342) effective 5/1/26 at 50 Ill Reg 5683, implementing updates to IGB's rules concerning vertical integration (one or more owners or persons of significant influence or control (PSICs) holding both a gaming establishment license and a terminal operator license) and rules regarding sales agents and revenue share agreements. The rulemaking clarifies that all gaming licensees are limited to one tier of the gaming industry, either as gaming establishment/location licensees or as terminal operator, handler, technician or sales agent licensees, and cannot be persons with ownership interest in, PSICs, or employees of a licensee or affiliated entity in the opposite tier. A new Section prohibits, effective 5/1/26, use agreements between terminal operators and gaming establishments when the terminal operator or any PSIC or affiliated entity is also the owner/landlord of the gaming establishment, or when the owner or any PSIC of the terminal operator is also an immediate family member of a person with ownership interest in or PSIC of the gaming establishment. Existing use agreements between video gaming locations and licensed terminal operators that do not conform to these rules or any other rules currently promulgated by IGB may remain in effect until they expire, but cannot be renewed. Since 1st Notice, IGB has also clarified that existing use agreements which are not currently used to place video gaming terminals must comply with this Part before video gaming terminals can be installed, and that license holders in violation of the new rules regarding multiple licenses may only renew their

licenses once after 5/1/26. Franchisors of an establishment will be considered PSICs of the establishment if the establishment obtains more than 50% of its revenue from net terminal income. With regard to sales agents, the rulemaking allows licensed terminal handlers and technicians to receive sales agent licenses, and sales agents to be licensed as terminal handlers or technicians, upon filing an application and paying all necessary fees. Sales agents and brokers must retain records of all services provided to and fees received from a video gaming location (and, added since 1st Notice, a licensed terminal operator) for as long as the IGB Administrator's records retention schedule prescribes, or longer if required under general accounting and auditing procedures. Sales agents who are not terminal operators cannot solicit use agreements from locations owned or controlled by members of the agent's immediate family. Businesses that hold video gaming establishment licenses or that operate or service gaming terminals are affected.

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

• BOILER SAFETY

The BOARD OF BOILER AND PRESSURE VESSEL RULES adopted amendments to the Part titled Boiler and Pressure Vessel Safety (41 IAC 2120; proposed at 49 Ill Reg 16123) effective 4/13/26 at 50 Ill Reg 5659, 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 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: Blake Fawns, Office of the State Fire Marshal, 1035 Stevenson Drive, Springfield IL 62703, 217-720-2964, SFM.2120rulemaking@fdmail.sfm.illinois.gov

SPECIAL EDUCATION

The STATE BOARD OF EDUCATION adopted amendments to the Part titled Enrollment of and Payment For Nonresident Students At The Philip J. Rock Center and School (23 IAC 600; proposed at 49 Ill Reg 12594) effective 4/8/26 at 50 Ill Reg 5674, that allow the State Superintendent to calculate a per diem rate for non-Illinois resident students only when necessary, instead of requiring that a rate be calculated every fiscal year. The Philip J. Rock Center and School (PRC) in Glen Ellyn, a residential school for visually and hearing impaired and deafblind students ages 3-21, has been open to non-resident students since 2015 but none have enrolled. Before admitting any non-resident

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students, the school shall request a rate determination no later than July 31 of the fiscal year for which this rate is being calculated, and the State Superintendent shall determine and notify PRC of this rate no later than August 31 of that fiscal year. Since 1st Notice, SBE has changed the definition of "fiscal year" to September 1 through August 31 (originally, July 1 through June 30) and revised the deadlines for rate determination requests and notification accordingly.

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

DHS REPEALER

The DEPARTMENT OF HUMAN SERVICES repealed the Part titled Autism Research Fund Scientific Review Committee (59 IAC 270; proposed at 49 Ill Reg 15684) effective 4/4/26 at 50 Ill Reg 5711, due to the enactment of Public Act 104-270. This PA, effective 1/1/26, repealed statutory provisions establishing an income tax checkoff fund for autism research grants and a Scientific Review Committee to evaluate grant applications. The PA dissolves the checkoff fund and transfers its remaining balance to the Autism Awareness Fund, a separate DHS grant fund supported by purchases of Autism Awareness vehicle plates from the Secretary of State.

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

DNR LEASES

The DEPARTMENT OF NATURAL RESOURCES adopted an amendment to the Part titled Regulations for the Letting of Concessions, Farm Leases, Sale of Buildings and Facilities, and Demolitions (17 IAC 150; proposed at 49 Ill Reg 14478) effective 4/8/26 at 50 Ill Reg 5713, 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: John Fischer, DNR, One Natural Resources Way, Springfield IL 62702, 217-782-1809, dnr.rules@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 12, 2026, 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 COMMERCE AND ECONOMIC OPPORTUNITY

Illinois Dig Once Act (14 IAC 549; 50 Ill Reg 1997) proposed 2/13/26

DEPT OF FINANCIAL AND PROFESSIONAL REGULATION

Administrative Procedures for General Professional Regulation Under the Administrative Code (68 IAC 1130; 49 Ill Reg 8507) proposed 6/27/25

Hearings Before the Division of Banking and Division of Financial Institutions (38 IAC 100; 50 Ill Reg 2007) proposed 2/13/26

Rules of Practice in Administrative Hearings (68 IAC 1110; 50 Ill Reg 2220) proposed 2/20/26

Next JCAR Meeting: Tuesday, May 12, 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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