

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

• HIGH SCHOOL DIPLOMAS

The ILLINOIS COMMUNITY COLLEGE BOARD proposed a new Part titled High School Equivalency Testing Program (23 IAC 1507; 49 Ill Reg 7411) implementing provisions of the School Code that authorize ICCB to establish standards for individuals pursuing a State of Illinois High School Diploma by high school equivalency (HSE) testing and/or transcript-based alternative methods of credentialing (AMOC). The new Part establishes ICCB's standards for HSE testing and approval of testing centers and also places ICCB in charge of high school equivalency operations for Cook County. ICCB is also implementing AMOC standards for candidates who have completed a significant portion of high school credits and are earning their diploma by additional coursework or taking portions of HSE exams. Those affected by this rulemaking include public and private

high schools, Regional Offices of Education, and HSE testing vendors.

HSE Testing

Individuals age 18 or older may take HSE tests without restrictions or conditions. Candidates who are age 17 must present a withdrawal letter from their former high school or

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documentation from their Regional Office of Education (ROE) stating that they are not currently enrolled, or required to be enrolled, in a high school in their area of residence. Homeschooled students who are 17 years of age must present similar documentation from their ROE, or if they were enrolled in an organized homeschool curriculum or program, documentation from the provider verifying that they have completed the program. Candidates may test at

age 16 only if they are currently enrolled in the Illinois National Guard's Lincoln's Challenge Academy, enrolled in a qualified alternative learning or safe schools program authorized by the State Board of Education, or as part of a court-ordered rehabilitation requirement. All candidates must present valid government-issued photo identification on all testing days. HSE testing vendors and testing centers must be approved by ICCB.

Alternative Credentialing

AMOC is available to candidates who are at least 18½ years of age and whose high school class is in or beyond the 3rd quarter of their senior year, and to 17-year-olds whose high school class has graduated and who have a withdrawal letter from their former high school. The candidate must have attended a state-recognized public or

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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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private high school or postsecondary institution, or a recognized virtual or alternative school or foreign institution of higher education (homeschooled candidates cannot utilize AMOC), and have completed at least 13 of the 17 credits required for a high school diploma (4 years language arts; 3 years mathematics including one year algebra and one year geometry; 3 years social studies including 1 year of U.S. history; 2 years science; one year of elective courses in art, music, foreign language, consumer education or vocational education; one semester of health class; and 4 other elective courses in any subject). They must also have completed a U.S. and Illinois State Constitution study requirement and have been assessed at a minimum 9th grade reading level. Unfulfilled credit requirements may be attained through ICCB-funded adult education programs, post-secondary community college or college/university classes (a 3 semester hour class is equivalent to one year of high school credit), the i-Pathways online curriculum, or by completing up to two subject areas of an HSE exam. HSE exam scores must be provided and verified by the applicable ROE. ICCB or an ROE may also conduct a transcript review to determine whether high school credit gaps have been fulfilled.

Diplomas and Transcripts

State of Illinois High School Diplomas and transcripts will be issued by the ROE for candidates within their jurisdictions. ICCB will issue the diploma and transcript to residents of Cook County (which does not have an ROE) and to Department of Corrections residents. ICCB and ROEs may charge fees for issuing transcripts

and diplomas, but these fees must be waived for candidates who are under age 25 and homeless. Fees can also be waived for hardship on a case by case basis. Transcripts or diplomas for a deceased candidate may be requested by the next of kin or the executor of the candidate's estate. Records for State of Illinois Diplomas earned prior to 1/1/14 are kept by the ROE for the county of the candidate's residence at the time of completion; for diplomas earned on or after 1/1/14, records are maintained by the ROE for the county in which testing was completed. All State of Illinois Diploma records for Cook County are maintained by ICCB.

Questions/requests for copies/comments through 7/14/25: Matt Berry, ICCB, 401 E. Capitol Ave., Springfield IL 62701-1711, 217-785-7411, Matt.Berry@illinois.gov

DCFS YOUTH IN CARE

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES proposed amendments to the Part titled Permanency Planning (89 IAC 315; 49 Ill Reg 7391) implementing Public Act 103-850, which requires DCFS case plans to include hair care plans, and adding criteria for developing a hair care plan with the child. Hair care plans must take into account the child's preferences; the child's race, culture, gender, religion and identity; steps to be taken in case of health concerns (e.g., lice infestation, scalp rashes/infections, cancer treatments, hair loss); and any training or resources needed by the caregiver or child care facility to provide culturally competent haircare. For children who indicate that they can care for their hair with minimal or no assistance, the foster parent, guardian or relative shall provide the child with any needed hair care products such as shampoo, brushes, combs, clips, etc. Hair care plans shall be reviewed during regular monthly caseworker

contacts. This rulemaking also updates the definitions of best interest, fictive kin, relative, and sibling contact; remove unused definitions of godparent and permanent connection; and change references to "service termination planning" to "aftercare planning".

Questions/requests for copies/comments through 7/14/25: Tamara Bristow, DCFS, 406 E. Monroe St., Station #65-D, Springfield IL 62701, 217-524-1983, DCFS.Policy@illinois.gov

HEALTH INSURANCE

The DEPARTMENT OF INSURANCE proposed amendments to Health Insurance Rate Review (50 IAC 2026; 49 Ill Reg 7427) 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.

DOI also proposed amendments to the Part titled Health Maintenance Organization (50 IAC 4521; 49 Ill Reg 7447) that require HMOs to use the word "open" in their plan names, ad-

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Proposed Rulemakings

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vertising and solicitations to describe any HMO product that does not limit the enrollee to participating providers and/or does not require the enrollee to obtain a referral from a primary care physician before seeking services from a specialist. Other provisions remove references to formerly authorized plans that do not offer what are now considered essential benefits under the federal Affordable Care Act, and repeal a Section whose provisions will be moved to 50 IAC 2026.

Questions/requests for copies/comments on the 2 DOI rulemakings through 7/14/25: Part 2026, Robert Planthold (312-814-5445, robert.planthold@illinois.gov); Part 4521, John Krichbaum (312-814-5422, john.krichbaum@illinois.gov); DOI, 115 S. LaSalle St., 13th Floor, Chicago IL 60603. Both Parts: Susan Anders, DOI, 320 W. Washington St., 4th Floor, Springfield IL 62767, 217-558-0957, sue.anders@illinois.gov

▪ COAL WASTE

The POLLUTION CONTROL BOARD proposed amendments to the Part titled Standards for the Disposal of Coal Combustion Residuals in Surface Impoundments (35 IAC 845; 49 Ill Reg 7471) that clarify certain aspects of existing regulations for coal combustion residuals (CCR) stored above ground, either as open piles or in confined storage units. This rulemaking requires that site plan maps for new CCR surface impoundments include the location of any monitoring wells for a CCR storage unit among the existing and proposed groundwater monitoring wells for the facility. Additionally, plans for closing

a CCR surface impoundment must include the design and construction plans for a CCR storage unit and any associated barriers or berms, including the size/dimensions of the storage unit, the type of material to be used, and the estimated amount of time the storage unit will be operational. Owners and operators of CCR storage facilities are affected.

Questions/requests for copies/comments through 7/14/25: Clerk's Office, PCB, 60 E. Van Buren St., Suite 630, Chicago IL 60605, 312-814-3621, don.brown@illinois.gov. Please reference docket R 19-20(B).

INCOME TAX

The DEPARTMENT OF REVENUE proposed amendments to Income Tax (86 IAC 100; 49 Ill Reg 7503) implementing PA 103-592, which changes the apportionment method for investment income of financial organizations for tax years ending on or after 12/31/24. This rulemaking also updates the definition of a small loan company to mean an entity that makes loans of no more than \$40,000 (currently \$25,000) for terms of no more than 181 (currently 121) months, and updates other references and citations.

Questions/requests for copies/comments through 7/14/25: Brian Fliflet, DOR, 101 W. Jefferson St., Springfield IL 62794, 217-782-2844, REV.GCO@illinois.gov

▪ HEALTH DEPARTMENTS

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Home Health, Home Services, and Home Nursing Agency Code (77 IAC 245; 49 Ill Reg 7485) and Hospice Programs (77 IAC 280; 49 Ill Reg 7490) 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 imposes the same prohibition with regard to home nursing agencies, home nursing placement agencies, and home services placement agencies. Local health departments are affected.

AIDS DRUG ASSISTANCE

DPH also proposed an amendment to AIDS Drug Assistance Program (77 IAC 692; 49 Ill Reg 7498) 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/comments on the 3 DPH rulemakings through 7/14/25: Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield IL 62701, 217-782-1159, dph.rules@illinois.gov

DFPR RULE WITHDRAWAL

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION has withdrawn proposed amendments to the Part titled Wholesale Drug Distribution Licensing Act (68 IAC 1510; 49 Ill Reg 3751) that were published in the 3/28/25 *Illinois Register*. The proposed rules would have increased fees for original and renewal applications for registration as a wholesale drug distributor and as a third-party logistics provider from \$200 to \$800; increased maximum fines for violations from \$1,000 to \$10,000 and allowed fines to be applied to individuals (officer, director, manager, shareholder) who own 5% or more of the business. DFPR is withdrawing this rulemaking in order to make further changes.

Adopted Rules

▪ CLEAN JOBS PROGRAMS

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY adopted four new Parts titled Energy Transition Navigators Program (14 IAC 820; proposed at 48 Ill Reg 10512, adopted at 49 Ill Reg 7554), Returning Residents Clean Jobs Training Program (14 IAC 830; proposed at 48 Ill Reg 10534, adopted at 49 Ill Reg 7577), Clean Jobs Workforce Network Program (14 IAC 840; proposed at 48 Ill Reg 10564, adopted at 49 Ill Reg 7609) and Illinois Climate Works Pre-Apprenticeship Program (14 IAC 850; proposed at 48 Ill Reg 10592, adopted at 49 Ill Reg 7641), all effective 5/19/25, implementing Public Act 102-662, the Climate and Equitable Jobs Act (CEJA). Each Part establishes a competitive grant program targeting equity investment eligible individuals and communities, including but not limited to: residents of economically disadvantaged or environmental justice communities; displaced energy workers and their dependents; currently or formerly incarcerated persons; and individuals who have aged out of the foster care system. Applicant organizations must meet the requirements of the Grant Accountability and Transparency Act (GATA). A uniform training curriculum (with modifications for Part 830) will also be used across each program. Those affected by these rulemakings include community-based non-profit organizations, apprenticeship and job training programs, construction contractors, and employers in the clean energy sector.

Energy Transition Navigators

Part 820 establishes the Energy Transition Navigators program that will award 14 grants to community-based providers in Chicago (South Side and Southwest/West Sides), Waukegan, Rockford, Aurora, Joliet,

Peoria, Champaign, Danville, Decatur, Carbondale, East St. Louis, Kankakee, and Alton. The purpose of the Navigator grants is to provide education, outreach and recruitment services to eligible populations to ensure they are aware of and engaged in DCEO's statewide and local workforce training and contractor development programs (including, but not limited to, the programs established in Parts 830, 840 and 850), other existing clean jobs programs, and services offered under the Energy Transition Barrier Reduction Program.

Energy Transition Navigators (originally referred to as "grantees") will prioritize individuals eligible for the Clean Jobs Workforce Network Program or the Illinois Climate Works Pre-Apprenticeship Program. Since 1st Notice, DCEO has added or clarified numerous definitions, including "accessibility", "core values", "diversity", "equity", "inclusion", and "eligible populations".

Returning Residents

Part 830 establishes the Returning Residents Program, which will prepare residents of Department of Corrections facilities who are within 36 months of release to work in clean energy and related sector jobs upon release. Grants will be awarded to community-based organizations and their partners to deliver clean energy jobs training in DOC facilities. Training will include classroom instruction and hands-on learning opportunities, connect program graduates with potential employers in the clean energy industry, and address participants' needs for supportive services. The program will also continue to provide support to participants after release as they prepare for and transition into employment or to another training program. DOC will exercise sole discretion regarding residents who are

permitted to enroll in the program. The warden or superintendent of a participating DOC facility may deny entry to a program instructor or staff member due to safety or security concerns, or if the instructor/staff member does not follow required security protocols. Changes since 1st Notice include revised and additional definitions, including "essential employability skills", and clarifications regarding approval or disapproval of residents who seek enrollment in the program.

Clean Jobs Programs

Part 840 establishes the Clean Jobs Workforce Program, which will award grants to community-based organizations and their subcontractors in at least 14 "hub" sites in the same communities listed under Part 820 (Energy Transition Navigators Program). Each hub will receive funding from the Energy Transition Barrier Reduction Program to provide educational, training and support services as needed for eligible individuals. Eligible individuals include persons experiencing barriers to employment such as low educational attainment, involvement with the criminal justice system, or language barriers. The goal of this program is to prepare eligible individuals for entry-level jobs in the clean energy sector. Part 850 establishes a network of 3 Climate Works Hubs (one each in Illinois Department of Transportation Region 1, Regions 2 and 3, and Regions 4 and 5) to recruit, prescreen, and provide pre-apprenticeship skills training, which participants may attend free of charge and receive a stipend, to create a qualified, diverse pipeline of workers who are prepared for careers in the construction and building trades and clean energy jobs opportunities therein. Subject to

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appropriation, these hubs will also receive Energy Transition Barrier Reduction Program funding to provide wrap-around supportive services as needed for eligible individuals. Since 1st Notice, DCEO has added and clarified various definitions and procedures in both Parts.

Questions/requests for copies of the 4 DCEO rulemakings: Gina Arterberry, DCEO, 1011 S. Second St., Springfield IL 62704-3004, 217-524-8974, Gina.M.Arterberry@illinois.gov

▪ VEHICLE RENTAL TAX

The DEPARTMENT OF REVENUE adopted amendments to the Parts titled Automobile Renting Occupation Tax (86 IAC 180; proposed at 48 Ill Reg 14909) and Automobile Renting Use Tax (86 IAC 190; proposed at 48 Ill Reg 14922), both effective 5/19/25 at 49 Ill Reg 7670 and 7684. Both rulemakings reflect statutory language clarifying that gross receipts from rent are subject to the tax whether paid by the rentor or by another party and specifying that peer-to-peer car-sharing or shared-vehicle ownership programs are not subject to these taxes if sales tax or use tax was paid on the vehicles at the time they were purchased or brought to Illinois. The

Part 180 rulemaking additionally states that low-speed electric and gas-powered bicycles are not "motor vehicles" subject to the rental tax. The Part 190 rulemaking clarifies that the automobile renting use tax must be charged to the rentee as an item separate from the rental price and that tax-exempt rentees may claim exemption by providing their tax exemption number at the time of the transaction. Businesses and non-profit, tax-exempt organizations that rent vehicles are affected.

Questions/requests for copies of the 2 DOR rulemakings: Thomas Grudichak, DOR, 101 W. Jefferson St., MC5-500, Springfield IL 62794, 217-524-4821, REV.GCO@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 June 17, 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.

POLLUTION CONTROL BOARD

Standards for the Disposal of Coal Combustion Residuals in Surface Impoundments (35 IAC 845; 48 Ill Reg 13140) proposed 9/6/24

DEPT OF PUBLIC HEALTH

Birth Center Demonstration Program Code (Repealer) (77 IAC 265; 49 Ill Reg 2924) proposed 3/14/25

Next JCAR Meeting: Tuesday, June 17, 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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