

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

• DENTISTS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to the Part titled Illinois Dental Practice Act (68 IAC 1220; 49 Ill Reg 15746) that add provisions for teledentistry, establish general sanitary standards for dental offices, and establish new avenues for obtaining moderate sedation permits.

Teledentistry

The rulemaking provides for use of synchronous (real time) or asynchronous (time delayed) telehealth systems and methodologies to evaluate patient information, interpret patient-specific data, diagnose conditions, and otherwise aid in treatment planning for a patient of record in a remote location away from their regular dentist. Teledentistry services may only be provided to a patient of record and may be used to assess or treat acute pain, infection, injury or other

conditions on an emergency basis when treatment cannot be postponed. Dental services may be delegated under the dentist's supervision. Patients shall be provided with documentation of valid Illinois licensure of any dentist providing teledentistry service, along with the direct phone number and physical

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address of the off-site dentist and identification of any other providers involved in the evaluation or treatment process. Services must be documented and patients informed of where their records are kept. If emergent care is provided, the patient must be directed to appropriate in-person follow-up care. Any dentist treating a patient located in Illinois must hold a valid Illinois dental license.

Sanitation

Dental offices must be kept in a clean and sanitary condition as required by federal Occupational Safety and Health Administration (OSHA) standards for healthcare facilities (29 CFR 1910) and in compliance with Centers for Disease Control and Prevention (CDC) guidelines for infection control in dental care settings; a licensee's failure to do so is grounds for DFPR disciplinary action.

Sedation Permits

Current rule requires dentists applying for a moderate (conscious) sedation permit to complete anesthesiology training that includes supervised experience in administering moderate sedation to at least 20 patients. The rulemaking clarifies that only sedation cases occurring within the last 5 years prior to permit application will be accepted for purposes of meeting training requirements. If the appli-

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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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cant's sedation cases are 5 years or more in the past, the applicant must administer moderate sedation to at least 20 new patients under the supervision of a dentist with a permit for moderate or deep sedation, or a physician anesthesiologist pre-approved by the Board of Dentistry (Board). At least 5 of these new cases must use intravenous sedation. In addition to currently recognized training programs for a moderate sedation permit, DFPR will also recognize structured courses of study sponsored by a Board-approved CE provider that include, among other subjects, training in sedation, airway management, and management of complications and emergencies, plus supervised experience in administering moderate sedation to at least 20 patients. Restoration of any sedation permit that has been expired for longer than 12 months will require proof of at least 18 hours of completed CE, in addition to existing requirements for restoration.

Other

This rulemaking removes the current requirement for continuing education (CE) sponsors to be directly approved by the Board and the DFPR Division of Professional Regulation. Instead, associations and other entities listed in Section 1220.440(b)(2) (e.g., American Dental Association, American Dental Hygienists' Association, various accredited colleges, universities and dental/medical schools) will be recognized as CE sponsors. Other provisions clarify acceptable clinical programs for graduates of dental schools outside of the U.S. or Canada; update recordkeeping requirements; and repeal a Section concerning the

DFPR Anesthesia Review Panel. Dentists and dental practices are affected by this rulemaking.

• CANNABIS DISPENSARIES

DFPR also proposed an amendment to the Part titled Cannabis Regulation and Tax Act (68 IAC 1291; 49 Ill Reg 15784) addressing a provision of the Act that requires new (conditional) dispensing organization licensees to be located at least 1,500 feet away from any existing dispensing organization, unless a statutory exception applies. The rulemaking states that an "existing dispensing organization" means an organization that was issued an adult use license before the conditional licensee received its conditional license. If the proposed location of the conditional licensee satisfies the 1,500-foot limitation, the licensee will be permitted to operate a dispensary when its adult use license is issued. Other provisions clarify that the 1,500-foot measurement is made from the closest points on the respective property lines (outer perimeters of the relevant buildings or building units) of the new and existing dispensing organization locations, and address the application of the 1,500-foot restriction when an operational dispensary seeks to relocate. Adult use cannabis dispensing organizations are affected.

Questions/requests for copies/comments on the 2 DFPR rulemakings through 2/2/26: Craig Cellini, DFPR, 320 W. Washington St., Springfield IL 62786, 217-785-0810, fax 217-557-4451, Craig.Cellini@illinois.gov

• CANNABIS & TOBACCO TAXES

The DEPARTMENT OF REVENUE proposed amendments to the Parts titled Cannabis Purchaser Excise Tax (86 IAC 423; 49 Ill Reg 15809),

Cigarette Tax Act (86 IAC 440; 49 Ill Reg 15814), Cigarette Use Tax Act (86 IAC 450; 49 Ill Reg 15859) and Tobacco Products Tax Act of 1995 (86 IAC 660; 49 Ill Reg 15884) implementing PA 103-1001. The PA and these rulemakings clarify that in cases where DOR has seized cannabis or tobacco products or vending devices and would normally hold a hearing to determine whether the retailer/distributor was properly licensed, a hearing is not required if the owner of the property from which the items were seized and the person in whose possession the items were found (if other than the owner) sign a waiver and consent to forfeiture. Amendments to Parts 440, 450 and 660 additionally specify how distributors (including secondary distributors) and manufacturers must record and report tobacco product sales, purchases, and inventory; reflect statutory penalties for violations and grounds for revoking, cancelling or suspending licenses; allow duly authorized DOR employees to conduct arrests and seizures without a warrant if they witness a violation or discover contraband items in person; and allow persons affected by a licensing penalty to protest the action. Rulemakings for Parts 440 and 450 also explain how "reasonable cause" for possession of contraband cigarettes (e.g., those without an Illinois tax stamp) is determined. The Part 660 amendments also implement changes to tobacco product taxes and the definition of nicotine products that were effective 7/1/25. This rulemaking clarifies that "nicotine products", for purposes of taxation, do not include pouches, patches, gum or other products approved by the Food and Drug Administration specifically as tobacco cessation aids. Manufacturers, distributors, and retailers of cannabis or tobacco products are affected.

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Proposed Rulemakings

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Questions/requests for copies/comments on the 4 DOR rulemakings through 2/2/26: Kimberly Rossini, DOR, 101 W. Jefferson St., Springfield IL 62794, 217-782-7055, REV.GCO@illinois.gov

OIL & GAS WELLS

The DEPARTMENT OF NATURAL RESOURCES proposed an amendment to the Part titled The Illinois Oil and Gas Act (62 IAC 240; 49 Ill Reg 15794) implementing Public Act 104-0150. The PA and the rulemaking change the required bond amounts for permits to drill, deepen, convert, operate or transfer oil and gas wells for which the applicant was not an owner or permittee of record as of 1/1/25 (previously, 9/26/91) to \$10,000 for one well (in current rule, \$1,500 for a well less than 2,000 feet deep and \$3,000 for a well 2,000 feet deep or more) and \$25,000 for 2 to 10 (currently 2 to 25) wells. The existing

bond amounts of \$50,000 for up to 50 wells and \$100,000 for 50 or more wells are unchanged; however, a blanket bond covering more than 100 wells will be increased to include the bond amount for the number of wells exceeding 100. (For example, the bond for 125 wells would be \$150,000: \$100,000 for the first 100 wells and \$50,000 for the next 25.)

Questions/requests for copies/comments through 2/2/26: Carrie Leitner, DNR, One Natural Resources Way, Springfield IL 62702, 217-782-1809, dnr.rules@illinois.gov

ROADSIDE MEMORIALS

The DEPARTMENT OF TRANSPORTATION proposed an amendment to Roadside Memorials (92 IAC 549; 49 Ill Reg 15937) reflecting Public Acts 102-982 and 103-82. The rulemaking replaces the term "fatal accident" with "fatal crash" and extends from 2 to 4 years the period for which DOT must maintain markers and plaques after installation. Fees for DUI and fatal crash memorial markers are increased from \$150 to \$200 and for

commemorative plaques from \$50 to \$75, in order to offset the costs of producing these items.

Questions/requests for copies/comments through 2/2/26: Julita Kuzminaite, DOT, 2300 S. Dirksen Pkwy., Room 313, Springfield IL 62764, 217-524-2638, DOT.AdminRules@illinois.gov

CPO-DOT RULE WITHDRAWAL

The CHIEF PROCUREMENT OFFICER FOR THE DEPARTMENT OF TRANSPORTATION has withdrawn proposed amendments to the Part titled Chief Procurement Officer for the Department of Transportation – Contract Procurement (44 IAC 6; 49 Ill Reg 12287) published in the 10/3/25 *Illinois Register*. CPO-DOT is withdrawing these amendments because the Notice Page did not include the correct e-mail address for receiving public comment. This rulemaking will be published again in next week's *Illinois Register* and Flinn Report.

JCAR Meeting Action

At its December 17, 2025 meeting, the Joint Committee on Administrative Rules approved the following actions. Proposed rulemakings that were on the meeting agenda and are not listed below received No Objection and may now be adopted by their agencies.

EXTENSIONS

JCAR, with the concurrence of the listed agencies, extended the Second Notice periods for the following rulemakings an additional 45 days. These rulemakings will be considered again at the January 9 JCAR meeting.

Department of Corrections, Rights and Privileges (20 IAC 525; 49 Ill Reg 12567) proposed 10/1/25

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

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

State Police Merit Board, Procedures of the Department of State Police Merit Board (80 IAC 150; 49 Ill Reg 11623) proposed 9/19/25

POSTPONEMENT

JCAR took no action on the rulemaking titled Chief Procurement Officer for General Services - Standard Procurement (44 IAC 1; 49 Ill Reg 6643), which is on extended Second Notice and will be considered again at the January 9 meeting.

Adopted Rules

▪ LEGAL FUNDING

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to the Part titled Consumer Legal Funding Act (38 IAC 170; proposed at 49 Ill Reg 3743) effective 12/3/25 at 49 Ill Reg 15967, concerning refinancing and pro rata fees. The rulemaking provides that a consumer legal funding loan (typically repaid from the settlement or award the consumer receives from the legal action that is being funded) cannot be refinanced more than 24 months after the original funding. The rulemaking also establishes the pro rata annual fee paid to DFPR by consumer legal funding licensees to equal the percentage share that each licensee provided of the total amount of consumer legal funding loans made by licensees in Illinois that year. Since 1st Notice, DFPR rewrote Section 170.210 to remove provisions allowing charges to accrue for no more than 42 months on a refinancing, and to clarify consumer disclosure requirements for refinancing. DFPR also is requiring the pro rata fee to be paid by the licensee within 30 days after the licensee is billed. Those affected by this rulemaking include businesses, non-profits, and other entities that provide or use consumer legal funding.

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

▪ THEATER PRODUCTIONS

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY adopted amendments to the Part titled Illinois Live Theater Production Tax Credit (14 IAC 532; proposed at 49 Ill Reg 10655) effective 12/4/25 at 49 Ill Reg 15946, implementing statutory

changes that add, effective 7/1/22, commercial Broadway touring shows and, effective 7/1/24, non-profit theater productions to the list of productions eligible for tax credits. To qualify for the credit, a commercial Broadway touring show must be performed in a qualified production facility, play in at least 3 North American markets outside Illinois within 12 months of its presentation in Illinois, and have at least \$100,000 in Illinois production expenses. A non-profit theater production must be a live stage production at least 75 minutes long with a written script that includes dialogue, stage directions, music, choreography and/or other elements of a stage production; be produced by a 501(c)(3) non-profit organization registered in Illinois for at least 5 years; and must have a minimum annual operating budget of at least \$25,000 with at least \$10,000 in Illinois production spending. A qualified production facility for a non-profit theater production must have 50 or more seats (for all other productions, a qualified production facility must have at least 1,200 seats). Total credits awarded for commercial Broadway touring shows and non-profit theater productions cannot exceed \$2 million per fiscal year for each type of production. The maximum credit that can be awarded for a non-profit theater production varies based on the annual operating budget of the production. Non-profit organizations that present live theater productions are affected.

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

▪ TAX AMNESTY

The DEPARTMENT OF REVENUE adopted amendments to Amnesty

Regulations (86 IAC 520; proposed at 49 Ill Reg 10717) effective 12/8/25 at 49 Ill Reg 16066, implementing Public Act 104-6 by establishing a tax amnesty period from Oct. 1 through Nov. 17, 2025. During this period, taxpayers with unpaid tax liabilities from tax periods ending after 6/30/18 and before 7/1/24 were eligible to pay off these liabilities and DOR will waive any interest or penalties due. The amnesty period applies to all forms of State tax other than motor fuel taxes, but does not apply to interest and penalties due on tax liabilities already paid. The rulemaking also includes explanations and examples regarding amnesty for tax liabilities covering multiple periods, or that are the subject of civil litigation, administrative appeals, audits or resolution proceedings. Since 1st Notice, DOR removed a provision that would have included collection agency fees in an amnesty-eligible tax liability when payments are made to a collection agency rather than directly to DOR. Those affected by this rulemaking include businesses that applied for amnesty of unpaid income, sales, service or use tax liabilities during the application period.

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

▪ NURSING HOMES

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted an amendment to Medical Payment (89 IAC 140; proposed at 49 Ill Reg 9699) effective 12/2/25 at 49 Ill Reg 16017, concerning HFS' rate determination appeal process in cases where a nursing facility has not received nurse staffing add-on payments or Certified

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Adopted Rules

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Nursing Assistant (CNA) incentive payments intended to encourage increased hiring and pay. If the facility failed to timely submit federally required quarterly Payroll Based Journal (PBJ) staffing data, the facility will not receive the add-on or incentive payment for the applicable quarter. If the facility timely submitted PBJ data that was not accepted by the federal Centers for Medicare and Medicaid Services (CMMS), the facility will receive reduced payments based on and proportionate to the reason for the rejection (e.g., the facility overstated its staffing percentage or numbers). If CMMS rejects the facility's data in subsequent quarters, further reductions will be applied to payments for each applicable quarter. Since 1st Notice, HFS has clarified how the nurse staffing add-on and CNA incentive payments will be affected by CMMS rejection of submitted staffing data. Nursing facilities are affected.

Questions/requests for copies: Kathy Muse, HFS, 201 S. Grand Ave. East, 3rd

Fl., Springfield IL 62763-0002, 217-782-1233, HFS.Rules@illinois.gov

INSURANCE

The DEPARTMENT OF INSURANCE adopted amendments to the Part titled Health Maintenance Organization (50 IAC 4521; proposed at 49 Ill Reg 7447) effective 12/4/25 at 49 Ill Reg 16042, that require HMOs to use the word "open" in their plan names, advertising 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 did 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: Shannon McNally, DOI, 320 W. Washington St., 4th Floor, Springfield IL 62767, 217-836-3275, Shannon.McNally@illinois.gov

HFSRB PUBLIC INFORMATION

The HEALTH FACILITIES AND SERVICES REVIEW BOARD adopted amendments to the Part titled Public Information Access, Rulemaking and Organization of the Health Facilities and Services Review Board (2 IAC 1925; 49 Ill Reg 15977) effective 12/2/25. These amendments update HFSRB's Freedom of Information Act (FOIA) request process, rulemaking procedures (including procedures for requesting public hearings on a proposed rulemaking) and rules concerning the conduct of meetings. This rulemaking is an internal/required rulemaking under Section 5-15 of the Illinois Administrative Procedure Act, so no First Notice publication was necessary.

Questions/requests for copies: Donald Jones, HFSRB, 525 W. Jefferson St, 2nd Floor, Springfield IL 62761, 217-782-3516, dph.hfsrb.rules@illinois.gov

Second Notice

The following rulemaking was moved to Second Notice this week by the agency listed below, commencing the JCAR review period. This rulemaking 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 this rulemaking should be addressed to JCAR at jcar@ilga.gov.

IL COMMUNITY COLLEGE BOARD

High School Equivalency Testing Program (23 IAC 1507; 49 Ill Reg 7411) proposed 5/30/25

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