



## ILLINOIS REGULATORY ALERT

### PROPOSED STATE OF ILLINOIS RULES AFFECTING SMALL BUSINESS APRIL 12, 2024

The following are proposed rules of possible interest to small businesses published in the Illinois Register. Individuals have opportunity to express their support or opposition to the rule during the comment period. [Subscribe](#) to the Illinois Regulatory Alert.

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**\*\*\* MAJOR UPDATE: SUBSTANCE USE INTERVENTION AND TREATMENT PROVIDERS**

[Department of Human Services](#)

*Substance Use Disorder Treatment and Intervention Services (77 Ill. Adm. Code 2060 (Repealer and New Part))*

*Text of Rulemaking: [48 Ill. Reg. 5484](#) (Repealer at [48 Ill. Reg. 5389](#))*

[Link to Flinn Report summary](#)

Repeals existing rules governing substance abuse treatment/intervention providers and replaces them with a new Part with updated standards, level of care requirements, definitions, and a clearer separation between medical and clinical responsibilities.

Comments (**through 5/27/24**), requests for public hearing (**through 4/26/24**), or questions to:

Tracie Drew, Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services

100 South Grand Avenue East  
Harris Building, 3rd Floor  
Springfield, Illinois 62762

217-785-9772

[DHS.AdministrativeRules@illinois.gov](mailto:DHS.AdministrativeRules@illinois.gov)

## **AMBULATORY SURGICAL TREATMENT CENTERS (ASTCs)**

[Department of Public Health](#)

*Ambulatory Surgical Treatment Center Licensing Requirements ([77 Ill. Adm. Code 205](#))*

*Text of Rulemaking: [48 Ill. Reg. 5602](#)*

Increases the required clearance in laser treatment rooms, gastrointestinal endoscopy rooms, radiographic rooms, and stage 2 recovery rooms from 2'6" to 3". Requires ASTCs to prohibit unauthorized traffic in the surgical area. Requires surgical suites to include a lounge area. No longer allows incineration of medical waste. ■ Incorporates by reference\* three test methods from the American Society for Testing and Materials (ASTM), and general handbooks and standards for avoiding legionellosis from the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE). Updates the incorporations by reference of the National Fire Protection Association's Life Safety Code, Underwriters Laboratories' (UL) standard for air ducts and connectors, and the American College of Cardiology's standards for cardiac catheterization laboratories. Updates two incorporations by reference of the Code of Federal Regulations.

\* Incorporation by reference is a shorthand by which a rule can include an entire regulation or document as part of the rule by referring to it without including it in its entirety. See [5 ILCS 100/5-75](#) for more information.

Comments (**through 5/27/24**), requests for public hearing (**through 4/26/24**), or questions to:

Department of Public Health  
Attention: Tracey Trigillo, Rules Coordinator  
Lincoln Plaza  
524 South 2nd Street, 6th Floor  
Springfield, IL 62701

217-782-1159

[dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)

## **BANKS – BANKING DEVELOPMENT DISTRICTS**

[Department of Financial and Professional Regulation](#)

*Banking Development District Act (38 Ill. Adm. Code 346) (New Part)*

*Text of Rulemaking: [48 Ill. Reg. 5221](#)*

*Link to Flinn Report summary*

Implements [Public Act 102-802](#), which provides for the creation of banking development districts (BDDs) in unbanked or underbanked areas. Under these rules, a bank and a unit of local government would apply to IDFPD to create a BDD. The State Treasurer is authorized to deposit State funds at a reduced interest rate into banks in approved BDDs.

Comments (**through 5/20/24**), requests for public hearing (**through 4/19/24**), or questions to:

Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 2nd Floor  
Springfield, IL 62786  
217-785-0810

Fax: 217-557-4451

[Craig.Cellini@illinois.gov](mailto:Craig.Cellini@illinois.gov)

## PHARMACIES, MEDICAL PROVIDERS, AND ELECTRONIC HEALTH RECORDS SYSTEMS – CONTROLLED SUBSTANCES

[Department of Human Services](#)

*Electronic Prescription Monitoring Program ([77 Ill. Adm. Code 2080](#))*

*Text of Rulemaking: [48 Ill. Reg. 4540](#)*

[Link to Flinn Report summary](#)

Implements Public Acts [103-425](#) and [103-477](#), which require pharmacies and medical providers to have their electronic health records or pharmacy management systems interface with the Illinois Prescription Monitoring Program (PMPnow) (which tracks the prescription of controlled substances). Rulemaking outlines technical requirements for integration, including security and data sharing, and the required qualifications of electronic integration vendors. Postpones from 1/1/22 to 1/1/26 the start of a \$100/day civil fine on healthcare entities or pharmacies that willfully fail to comply with the integration requirements.

Comments (**through 5/13/24**) or questions to:

Tracie Drew, Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
Harris Building, 3rd Floor  
Springfield, Illinois 62762

217-785-9772

[DHS.AdministrativeRules@illinois.gov](mailto:DHS.AdministrativeRules@illinois.gov)

## LONG-TERM CARE AND OTHER NURSING FACILITIES

[Department of Public Health](#)

*Essential Support Person Code (77 Ill. Adm. Code 50 (New Part))*

*Text of Rulemaking: [48 Ill. Reg. 4950](#)*

[Link to Flinn Report summary](#)

Implements the [Essential Support Person Act \[210 ILCS 175\]](#), which allows facility residents or their representatives to designate a primary essential support person and a secondary essential support person who must have access to the resident despite general visitation restrictions (and unrestricted access if the resident is receiving end-of-life care). Essential support persons must comply with a facility's safety and infection control protocols.

Comments (**through 5/13/24**) or questions to:

Department of Public Health  
Attention: Tracey Trigillo, Rules Coordinator  
Lincoln Plaza  
524 South 2nd Street, 6th Floor  
Springfield, IL 62701

[dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)

## HEALTH CARE PROVIDERS – RECREDENTIALING

[Department of Public Health](#)

*Health Care Professional Credentials Data Collection Code ([77 Ill. Adm. Code 965](#))*

*Text of Rulemaking: [48 Ill. Reg. 4958](#)*

[Link to Flinn Report summary](#)

Implements [Public Act 103-96](#), which required health care facilities, health plans, and hospitals to verify the credentials of health care professionals every 3 years (previously, no more often than every 2 years), and [Public Act 103-436](#), which provided for the electronic submission of recertification data.

Comments (**through 5/13/24**) or questions to:

Department of Public Health  
Attention: Tracey Trigillo, Rules Coordinator  
Lincoln Plaza  
524 South 2nd Street, 6th Floor  
Springfield, IL 62701

[dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)

## **GROUNDWATER QUALITY – PFAS**

*Pollution Control Board  
Groundwater Quality (35 Ill. Adm. Code 620)  
Text of Rulemaking: [48 Ill. Reg. 4608](#)  
[Link to Flinn Report summary](#)*

Adds standards for 10 new chemicals detected in Illinois groundwater, including 5 PFAS and molybdenum, lithium, aluminum, and 1-methylnaphthalene. Reduces the acceptable thresholds for cobalt, selenium, and vanadium. Changes the exposure population (used to determine acceptable contaminant concentrations) from the adult population to children under 6. In line with this, it reduces the estimated amount of water consumed in a day from 2 liters to .78 liters. It also lays out the process for the creation, management, mitigation, and termination of a groundwater management zone (GMZ) where there has been a release of a contaminant to groundwater.

Public comments (**through 5/13/24**) should refer to [Docket R22-18](#) and be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website at [pcb.illinois.gov](http://pcb.illinois.gov) or be addressed to:

Clerk's Office  
Illinois Pollution Control Board  
60 E. Van Buren, Suite 630  
Chicago, IL 60605

## HAZARDOUS WASTE STANDARDS – EXEMPT RULEMAKINGS

PCB also proposed exempt rulemakings pertaining to the disposal of [dental amalgam process wastewater](#) and [hazardous waste more generally](#). An exempt, or identical-in-substance, rulemaking is a special type of rulemaking that does not require JCAR review before adoption as long as all substantive changes made are required to align with corresponding federal regulations. PCB proposes these rulemakings periodically to reflect recent changes to federal regulations.

## ASSISTED LIVING HOMES/ESTABLISHMENTS

### [Department of Public Health](#)

*Assisted Living and Shared Housing Establishment Code ([77 Ill. Adm. Code 295](#))*

*Text of Rulemaking: [48 Ill. Adm. Code 4295](#)*

[Link to Flinn Report summary](#)

Implements [Public Act 103-261](#) (the Essential Support Person Act [[210 ILCS 175](#)]), which enables long-term care residents to select essential support persons who are allowed to have access to the resident even during general visitation restrictions. ■ Implements [Public Act 103-444](#), which removes the provision prohibiting persons requiring sliding-scale insulin administration from living in assisted living establishments. ■ Quotes statutory text added by Article 35 of [Public Act 102-1037](#) [[20 ILCS 2310/2310-434](#)] concerning the use of Certified Nursing Assistant Interns. ■ Reflects [Public Act 95-628](#) (eff. 9/25/07) by changing the required experience for managers from either (1) one year of management experience in health care, housing, or hospitality or providing similar services to the elderly or (2) two years of experience in health care, housing, or hospitality or providing similar services to the elderly to (1) 2 years of management experience or 2 years of experience in positions of progressive responsibility in health care, housing with services, or adult day care or providing similar services to the elderly or (2) 2 years of management experience or 2 years of experience in positions of progressive responsibility in hospitality and training in health care and housing with services management.



Comments (**through 5/6/24**) or questions to:

Department of Public Health  
Attention: Tracey Trigillo, Rules Coordinator  
Lincoln Plaza  
524 South 2nd Street, 6th Floor  
Springfield, IL 62701

[dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)

## **REMITTANCE AGENTS AND USED VEHICLE DEALERS – ELECTRONIC LIEN AND TITLE (ELT) SYSTEM**

[Secretary of State](#)

*Certificates of Title, Registration of Vehicles* ([92 Ill. Adm. Code 1010](#))

*Text of Rulemaking:* [48 Ill. Reg. 4333](#)

[Link to Flinn Report summary](#)

Establishes groundwork for an Electronic Lien and Title System which will allow lienholders to record and remove liens on vehicle titles.

Comments (**through 5/6/24**) or questions to:

Pamela Wright  
Office of the General Counsel  
298 Howlett Building  
Springfield, IL 62756

[pwright@ilsos.gov](mailto:pwright@ilsos.gov)

## **AIR QUALITY STANDARDS**

[Pollution Control Board](#)

*Air Quality Standards (Exempt\*)* ([35 Ill. Adm. Code 243](#))

*Text of Rulemaking:* [48 Ill. Reg. 4283](#)

[Link to Flinn Report summary](#)

Updates the cross-section value for ozone absorption to a consensus value that is 1.2% below the current value, which may result in ozone concentrations being reported as slightly higher than currently. Given all the other potential sources of variability in this measurement, however, PCB does not believe that there will be any consistent measurable and predictable effect on the reported data. ■ Incorporates by reference\*\* the latest federal list of designated and equivalent methods for measuring air pollution; the latest list includes a new equivalent method for PM<sub>10</sub> (particulate matter).

\* This rulemaking is an exempt, or identical-in-substance, rulemaking, which is a special type of rulemaking that does not require JCAR review before adoption as long as all substantive changes made are required to align with corresponding federal regulations. In exempt rulemakings, PCB has no discretion over the substance of the rulemaking. PCB proposes these rulemakings periodically to reflect recent changes to federal regulations. The Pollution Control Board's webpage for this docket ([R24-15](#)) contains all of the materials filed with the Board concerning this rulemaking.

\*\* Incorporation by reference is a shorthand by which a rule can include an entire regulation or document as part of the rule by referring to it without including it in its entirety. See [5 ILCS 100/5-75](#) for more information.

Comments (**through 5/6/24**) or questions to:

Don A. Brown, Clerk  
Pollution Control Board  
60 East Van Buren Street, Suite 630  
Chicago, Illinois 60605

312-814-3461  
[don.brown@illinois.gov](mailto:don.brown@illinois.gov)

*Comments should reference docket [R24-15](#).*

\*\*\* NOTICE OF HEARING \*\*\*

PCB will hold a hearing on this rulemaking at 11:30 am on Thursday, April 18. The hearing will be held via videoconference in two locations:

Michael A. Bilandic Building  
160 N. LaSalle St., Room N-505  
Chicago, Illinois 60601

and

Illinois Environmental Protection Agency Building  
Illinois Pollution Control Board Hearing Room, Room 1244N, First Floor  
1021 North Grand Avenue East  
Springfield, Illinois 62702

## **MARRIAGE AND FAMILY THERAPISTS**

[\*Department of Financial and Professional Regulation\*](#)

*Marriage and Family Therapy Licensing Act ([68 Ill. Adm. Code 1283](#))*

*Text of Rulemaking: [48 Ill. Reg. 3461](#)*

[\*Link to Flinn Report summary\*](#)

Overhauls rules for the first time since 2007. Key items: ■ Technological Updates: Allows licensees to provide services through telehealth. Requires license applicants and licensees to provide valid email and physical addresses to DFPR and inform DFPR within 14 days if they change. ■ Supervision: Of the 200 hours of clinical supervision required for licensure, this proposed rulemaking requires 100 to be individual supervision. Supervision may be conducted by synchronous video as well as in person. ■ Educational Requirements: • Requires degrees for licensure to be from programs accredited by the Commission on Accreditation for Marriage and Family Therapy Education or the Commission for Accreditation for Counseling Related Education Programs, or a program at a regionally accredited institution. • Specifies content of courses required for licensure. Applicants who have not graduated from an accredited program may submit transcripts

and program materials to DFPR to determine whether they have satisfied the course requirements. • Applicants may address any gaps in their preparation by taking additional graduate courses. Removes prohibition on the use of correspondence courses for this purpose. ■ Reciprocal Licensing: Exempts applicants who have been licensed for at least 5 years without discipline in another U.S. jurisdiction from the proof of education, professional experience, and supervision requirements if they submit certified verification of licensure. ■ Continuing Education: Requires CE to include training in sexual harassment prevention and implicit bias awareness. Authorizes DFPR to determine extenuating circumstances that merit waiving an individual's CE requirements for one pre-renewal period. ■ Discipline/Restoration: Requires persons seeking license restoration after discipline to submit evidence demonstrating rehabilitation and provides standards for evaluating this evidence.

Comments (**through 4/29/24**) or questions to:

Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 2<sup>nd</sup> Floor  
Springfield, IL 62786

217-785-0810

Fax: 217-557-4451

[Craig.Cellini@illinois.gov](mailto:Craig.Cellini@illinois.gov)

## **NURSING HOME ADMINISTRATORS**

[Department of Financial and Professional Regulation](#)

*Nursing Home Administrators Licensing and Disciplinary Act ([68 Ill. Adm. Code 1310](#))*

*Text of Rulemaking: [48 Ill. Reg. 3502](#)*

[Link to Flinn Report summary](#)

Allows statements of sound physical and mental health (required for licensure) or certifications of incapacitating illness or physical inability to travel to the sites of approved continuing education programs (required to waive CE

requirement for license renewal) to be signed by a physician assistant, Advanced Practice Registered Nurse, or Full Practice Authority Advanced Practice Registered Nurse. Currently, only physicians may sign these documents.

Comments (**through 4/29/24**) or questions to:

Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 2<sup>nd</sup> Floor  
Springfield, IL 62786

217-785-0810

Fax: 217-557-4451

[Craig.Cellini@illinois.gov](mailto:Craig.Cellini@illinois.gov)

## **CLINICAL PSYCHOLOGISTS**

[\*Department of Financial and Professional Regulation\*](#)

[\*Clinical Psychologist Licensing Act \(68 Ill. Adm. Code 1400\)\*](#)

[\*Text of Rulemaking: 48 Ill. Reg. 3520\*](#)

[\*Link to Flinn Report summary\*](#)

Key provisions include the following: ■ Contact Information: Requires license applicants and licensees to provide valid email and physical addresses to DFPR and inform DFPR within 14 days if they change. ■ Discipline/Restoration: Requires persons seeking license restoration after discipline to submit evidence demonstrating rehabilitation and provides standards for evaluating this evidence. ■ Continuing Education: Beginning 9/30/26, the 24 required CE hours for license renewal must include 3 hours related to ethics, 3 related to diversity, and training in sexual harassment prevention and implicit bias awareness. Changes the standard for a waiver of the CE requirements from extreme hardship to good cause. ■ Educational Requirements: Applicants may remediate educational deficiencies at any time, but they have only 3 years from the date of application to complete the application process. ■ Clinical Experience: At least 50% of the required clinical experience hours must be

spent providing services for which the applicant establishes an ongoing, face-to-face relationship with the persons being treated. Expands the range of acceptable venues for clinical rotations to include patient- or family-centered medical homes, women's medical health centers, and Federally Qualified Health Centers.

Comments (**through 4/29/24**) or questions to:

Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 2<sup>nd</sup> Floor  
Springfield, IL 62786

217-785-0810

Fax: 217-557-4451

[Craig.Cellini@illinois.gov](mailto:Craig.Cellini@illinois.gov)

## **SURGICAL ASSISTANTS AND SURGICAL TECHNOLOGISTS**

[Department of Financial and Professional Regulation](#)

*Registered Surgical Assistant and Registered Surgical Technologist Title*

*Protection Act ([68 Ill. Adm. Code 1485](#))*

*Text of Rulemaking: [48 Ill. Reg. 3561](#)*

[Link to Flinn Report summary](#)

■ **Contact Information:** Requires license applicants and licensees to provide valid email and physical addresses to DFPR and inform DFPR within 14 days if they change. ■ **Discipline/ Restoration:** Requires persons seeking license restoration after discipline to submit evidence demonstrating rehabilitation and provides standards for evaluating this evidence.

Comments (**through 4/29/24**) or questions to:

Department of Financial and Professional Regulation  
Attention: Craig Cellini

320 West Washington, 2<sup>nd</sup> Floor  
Springfield, IL 62786

217-785-0810

Fax: 217-557-4451

[Craig.Cellini@illinois.gov](mailto:Craig.Cellini@illinois.gov)

## **INTERIOR DESIGNERS**

*[Department of Financial and Professional Regulation](#)*

*[Registered Interior Designers Act \(68 Ill. Adm. Code 1255\)](#)*

*[Text of Rulemaking: 48 Ill. Reg. 3457](#)*

*[Link to Flinn Report summary](#)*

This rulemaking adds a diagram of the design for an official Registered Interior Designer's seal.

Comments (**through 4/29/24**) or questions to:

Department of Financial and Professional Regulation

Attention: Craig Cellini

320 West Washington, 2<sup>nd</sup> Floor

Springfield, IL 62786

217-785-0810

Fax: 217-557-4451

[Craig.Cellini@illinois.gov](mailto:Craig.Cellini@illinois.gov)

## **SALES TAX – MANUFACTURERS/ASSEMBLERS; CHIROPODISTS, OSTEOPATHS, CHIROPRACTORS, OPTOMETRISTS, OPTICIANS; PHYSICIANS AND SURGEONS**

[Department of Revenue](#)

[Retailers' Occupation Tax \(86 Ill. Adm. Code 130\)](#)

[Text of Rulemaking: 48 Ill. Reg. 3576](#)

[Link to Flinn Report summary](#)

Makes numerous changes. Key points: ■ Machinery and Equipment: ● Machinery and equipment that will be used in manufacturing or assembling personal property for sale/lease is exempt from tax regardless of whether the manufacturer or some other person owns the materials used in the process and whether the materials used are made apart from or incident to the seller's productions of custom machines, tools, dies, jigs, patterns, gauges, or similar items of no commercial value on special order. Machinery and equipment does not, however, include the foundations for or special-purpose buildings to house or support the machinery and equipment. ● Preparing food for immediate consumption does not qualify for the manufacturing exemption. Food production or processing, such as using baking equipment to make bakery items, is considered manufacturing as long as the equipment is used primarily in the production or processing of food that is not for immediate consumption. ● Using machinery or equipment for HVAC or lighting purposes does not qualify for the manufacturing exemption. ■ Chiropodists, Osteopaths, Chiropractors, Optometrists, and Opticians are not engaged in selling tangible personal property and are not subject to the Retailer's Occupation Tax, but to the extent tangible personal property is transferred incident to service, they may be liable for service occupation tax. ■ Physicians and Surgeons incur retailer's occupation tax when they sell items of tangible personal property apart from their rendering of service, and service occupation tax when they transfer those items incident to service.

Comments (**through 4/29/24**) or questions to:

Kimberly Rossini  
Illinois Department of Revenue



Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62794

217-782-2844  
[REV.GCO@illinois.gov](mailto:REV.GCO@illinois.gov)

## **PETROLEUM EQUIPMENT CONTRACTORS**

[\*Office of the State Fire Marshal\*](#)

*Petroleum Equipment Contractor Licensing ([41 Ill. Adm. Code 172](#))*

*Text of Rulemaking: [48 Ill. Reg. 3646](#)*

[\*Link to Flinn Report summary\*](#)

To receive a license in the module authorizing inspection and testing of underground storage tank (UST) equipment, the contractor must prove that its certified employees have passed the required OSFM-approved exam for the installation/retrofitting module or submit a letter certifying that the employees have the required credentials and training.

Comments (**through 4/29/24**) or questions to:

Tom Andryk  
Division of Legal Counsel  
Office of the State Fire Marshal  
1035 Stevenson Dr.  
Springfield, IL 62703-4259

217-785-5758  
Fax: 217-524-5487  
[SFM.USTrulemaking@fdmail.sfm.illinois.gov](mailto:SFM.USTrulemaking@fdmail.sfm.illinois.gov)

## **UNDERGROUND STORAGE TANKS (USTs) – GAS STATIONS, ETC.**

### [Office of the State Fire Marshal](#)

*General Requirements for Underground Storage Tanks and the Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances* ([41 Ill. Adm. Code 174](#))

*Text of Rulemaking:* [48 Ill. Reg. 3654](#)

[Link to Flinn Report summary](#)

Updates the incorporations by reference of several standards, including the ICC International Building Code and standards from the National Fire Protection Association, National Work Group on Leak Detector Evaluations, Petroleum Equipment Institute, Steel Tank Institute, the U.S. Department of Defense, and Underwriters Laboratories.

*Technical Requirements for Underground Storage Tanks and the Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances* ([41 Ill. Adm. Code 175](#))

*Text of Rulemaking:* [48 Ill. Reg. 3665](#)

[Link to Flinn Report summary](#)

Requires a site assessment as part of removal work whenever a removal permit is issued (i.e., when removed piping exceeds 20 feet or 50% of a site's total piping run). When over 20 feet or 50% of the total pipe run is installed or removed, an operational safety inspection is also required. Clarifies that a licensed contractor representative is not required to be on site for a final performance assurance inspection when only a spill containment device is being installed, regardless of whether the device has a riser replacement. ■ Requires UST owners to maintain financial responsibility arrangements until the UST is removed or abandoned in place in accordance with OSFM rules. Clarifies that UST systems that have been out of use between 1-5 years can be put back in service if they meet all the applicable requirements in 41 Ill. Adm. Code 172, 174, 175, 176, and 177 and additional system tests and site assessments are performed.

*Administrative Requirements for Underground Storage Tanks and the Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances* ([41 Ill. Adm. Code 176](#))

Text of Rulemaking: [48 Ill. Reg. 3703](#)

[Link to Flinn Report summary](#)

Stipulates that UST equipment, components, or technology that are newly developed and not covered by a specific provision of OSFM rules must be third-party-listed under a national code or standard and tested by an OSFM-certified employee who has either a passing score on the OSFM-approved exam for the installation/retrofitting module or a letter from the employer establishing that the employee has the manufacturer's recommended credentials and training. Installation of containment sumps must either be performed using such an employee or an OSFM-licensed contractor licensed in the inspection and testing of UST equipment or the installation/retrofitting module.

Comments (**through 4/29/24**) or questions to:

Tom Andryk  
Division of Legal Counsel  
Office of the State Fire Marshal  
1035 Stevenson Dr.  
Springfield, IL 62703-4259

217-785-5758

Fax: 217-524-5487

[SFM.USTrulemaking@fdmail.sfm.illinois.gov](mailto:SFM.USTrulemaking@fdmail.sfm.illinois.gov)

## HOME HEALTH, HOME SERVICES, AND HOME NURSING AGENCIES

[Department of Public Health](#)

*Home Health, Home Services, and Home Nursing Agency Code ([77 Ill. Adm. Code 245](#))*

*Text of Rulemaking: [48 Ill. Reg. 3397](#)*

[Link to Flinn Report summary](#)

Updates rules to reflect the statutory changes in [Public Act 103-257](#). These changes include changing the license fee from \$25/year to \$1,500 every 2 years. Provisional licenses will be issued within 90 days after a new home services agency applies for licensure and will be valid for 240 days after issuance; assuming licensure requirements are met, a normal license will be issued. ■ Expands the list of documents required with a licensure application, including copies of client service contracts, criteria for acceptance of patients and clients, sample forms, and copies of policies governing complaint resolution, employee health and safety, infection control, health care worker background check compliance, supervisory visits, client records management, and employee training.

Comments (**through 4/22/24**) or questions to:

Illinois Department of Public Health  
Attention: Tracey Trigillo, IDPH Rules Coordinator  
Director's Office, Division of Governmental Affairs  
Lincoln Plaza, 524 South 2nd Street, 6th Floor  
Springfield, IL 62701

[dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)

## LANDLORDS AND CHILD CARE CENTERS – LEAD POISONING

[Department of Public Health](#)

Lead Poisoning Prevention Code ([77 Ill. Adm. Code 845](#))

Text of Rulemaking: [48 Ill. Reg. 3071](#)

[Link to Flinn Report summary](#)

Changes, from 5 micrograms/deciliter to 3.5 micrograms/deciliter, the level at which a child's blood lead test must reach to trigger lead inspections of that child's residence and child care center, if applicable. Any lead hazards revealed by these inspections must be mitigated. Small businesses affected include child care centers and leased residential properties, especially in older facilities.

Comments (**through 4/15/24**) or questions to:

Illinois Department of Public Health  
Attention: Tracey Trigillo, IDPH Rules Coordinator  
Director's Office, Division of Governmental Affairs  
Lincoln Plaza, 524 South 2nd Street, 6th Floor  
Springfield, IL 62701

[dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)

## **NURSING HOMES/LONG-TERM CARE: INVOLUNTARY TRANSFER/DISCHARGE**

[Department of Public Health](#)

*Skilled Nursing and Intermediate Care Facilities Code ([77 Ill. Adm. Code 300](#))*

*and Sheltered Care Facilities Code ([77 Ill. Adm. Code 330](#))*

*Text of Rulemakings: [48 Ill. Reg. 3008](#) and [3042](#)*

[Link to Flinn Report summary](#)

Implements PA 103-320, which requires that the State Long Term Care Ombudsman be notified when a resident is involuntarily transferred or discharged from a facility.

Comments (**through 4/15/24**) or questions to:

Illinois Department of Public Health

Attention: Tracey Trigillo, IDPH Rules Coordinator

Director's Office, Division of Governmental Affairs

Lincoln Plaza, 524 South 2nd Street, 6th Floor

Springfield, IL 62701

[dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)

## **DEPARTMENT OF REVENUE – POST-AUDIT MEDIATION**

[Department of Revenue](#)

*Informal Conference Board ([86 Ill. Adm. Code 215](#))*

*Text of Rulemaking: [48 Ill. Reg. 3084](#)*

[Link to Flinn Report summary](#)

Makes several changes to the procedural rules governing the Informal Conference Board, which is a forum for taxpayers to appeal audit adjustments to the Department. Key changes include allowing an audited taxpayer to appeal a reduction of net losses to ICB and not allowing ICB appeals if the audit is completed fewer than 180 days before the statute of limitations expires (currently, if fewer than 60 days).

Comments (**through 4/15/24**) or questions to:

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## **RECENTLY ADOPTED RULES**

*Conservation Stewardship Program Landowners (4/12/24)*

DNR [updated](#) the requirements of its Conservation Stewardship Program.

*Environmental Laboratories (4/5/24)*

EPA adopted rules [creating](#) a new \$500 fee for changes to an environmental laboratory's certificate of accreditation made outside the renewal period and [designating](#) a wastewater/solid material method for testing PFOS and PFOA.

*Home-based and Community-based Care for Persons with Developmental Disabilities (4/5/24)*

DHS [adopted](#) a major update to its rules governing the Medicaid Home and Community-Based Services Waiver Program for Individuals with Developmental Disabilities.

*Restaurants and Other Food Handlers (4/5/24)*

DPH [updated](#) its food safety requirements.

## **ABOUT THE OFFICE OF REGULATORY FLEXIBILITY**

We provide timely updates and analysis on Illinois' regulatory developments, focusing on their impact on small businesses. We prepare formal small business impact analyses of proposed rules when they are requested by 25 interested persons, an association representing 100 or more interested persons, the Governor, a unit of local government, or the Joint Committee on Administrative Rules. Requests can be sent to [CEO.RegFlex@illinois.gov](mailto:CEO.RegFlex@illinois.gov) with subject header "SBIA Request".

Our goal is to educate and empower you to effectively convey your unique concerns during the rulemaking process. For guidance and more information, reach out to us at [CEO.RegFlex@illinois.gov](mailto:CEO.RegFlex@illinois.gov). To subscribe to your own copy of this weekly newsletter, click