



ILLINOIS REGULATORY ALERT

PROPOSED STATE OF ILLINOIS RULES AFFECTING SMALL BUSINESS UPDATED AUGUST 2, 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. NOTE: Agency Economic Impact Analyses are provided by rulemaking agencies and do not necessarily reflect the positions of the Illinois Department of Commerce and Economic Opportunity.

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MORTGAGE COMMUNITY REINVESTMENT

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

Mortgage Community Reinvestment (38 Ill. Adm. Code 1055)

Text of Rulemaking: 48 Ill. Reg. 10965

DFPR Economic Impact Analysis

1. Small Businesses Affected

- a. Types of small businesses, small municipalities, and not-for-profit corporations affected: Covered mortgage licensees as defined in [Section 1055.20](#) may be affected.
- b. Types of businesses subject to the proposed rule:
 - 52 Finance and Insurance
- c. Categories that the agency reasonably believes the rulemaking will impact, including:
 - v. licensing (examination) fees;

2. Small Business Compliance

- a. Reporting, bookkeeping, or other procedures required for compliance: *The proposed amended rule does not require any new*

reporting, bookkeeping, or other procedures required for compliance other than payment of the required annual fee by each covered mortgage licensee. However, the annual fees are based on independent existing reporting requirements.

- b. Types of professional skills necessary for compliance: The types of professional skills necessary for compliance are generally business administration and knowledge of the Residential Mortgage License Act of 1987, the Illinois Community Reinvestment Act, and various other federal and State laws.*

[Flinn Report summary](#)

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to the Part titled Mortgage Community Reinvestment (38 IAC 1055; 48 Ill Reg 10965) that replace the current \$2,200-per-examination-day fee for covered mortgage licensees with a schedule of annual fees for fiscal years 2025 and 2026, based on each licensee's total mortgage loan volume as shown by its Mortgage Call Reports for the previous calendar year. The annual fees range from \$2,000 (FY25) and \$2,250 (FY26) for mortgage licensees that have made 50 to 99 mortgage loans the previous year, up to \$14,000 (FY25) and \$22,000 (FY26) for licensees that made 8,000 or more mortgage loans the previous year. Annual fees for fiscal year 2025 are due by 11/1/24 and annual fees thereafter are due within 30 days after the start of each fiscal year. The rule- making also postpones from 11/1/24 to 2/1/25 the earliest date on which examinations of covered mortgage licensees that have made at least 100 home mortgage loans in the State in the prior calendar year may be initiated. Mortgage lenders subject to the Illinois Community Reinvestment Act (ILCRA) are affected.

Comments (**through 9/16/24**), requests for public hearing (**through 8/16/24**), 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

VIDEO GAMING (GENERAL)

[Illinois Gaming Board](#)

Video Gaming (General) ([11 Ill. Adm. Code 1800](#))

Text of Rulemaking: [48 Ill. Reg. 10972](#)

DFPR Economic Impact Analysis

1. Small Businesses Affected

- a. Types of small businesses, small municipalities, and not-for-profit corporations affected: *The rulemaking will apply to all licensed video gaming locations which qualify as small businesses.*
- b. Types of businesses subject to the proposed rule:
 - 55 Management of Companies and Enterprises
 - 71 Arts, Entertainment, and Recreation
- c. Categories that the agency reasonably believes the rulemaking will impact, including:
 - ii. regulatory requirements

2. Small Business Compliance

- a. Reporting, bookkeeping, or other procedures required for compliance: *None*
- b. Types of professional skills necessary for compliance: *None*

[Flinn Report summary](#)

The ILLINOIS GAMING BOARD proposed an amendment to Video Gaming (General) (11 IAC 1800; 48 Ill Reg 10972) that aligns the definition of a video gaming terminal in this Part with the definition contained in the Video Gaming Act. The rulemaking permits "insertion of cash, electronic cards or vouchers, or any combination thereof" (current rule only mentions cash) in a video gaming terminal to place a wager. Video gaming terminal operators and licensed video gaming locations may be affected by this rulemaking.

Comments (**through 9/16/24**), requests for public hearing (**through 8/16/24**), or questions to:

Daniel Gerber
General Counsel
Illinois Gaming Board
160 North LaSalle Street
Chicago, Illinois 60601

Telephone: 312-814-4700
Fax No.: 312-814-7253
IGB.RuleComments@illinois.gov

WITHDRAWN: DAY AND TEMPORARY LABOR SERVICES ACT

[Department of Labor](#)

Day and Temporary Labor Services Act ([56 Ill. Adm. Code 260](#))

Text of Withdrawn Rulemaking: [47 Ill. Reg. 12316](#)

[Flinn Report summary](#)

The DEPARTMENT OF LABOR has withdrawn proposed amendments to the Part titled Day and Temporary Labor Services Act (56 IAC 260; 47 Ill Reg 12316) that were published in the 8/18/23 Illinois Register. This rulemaking was intended to implement the Day and Temporary Labor Services Act ([PA 103-437](#)), which became effective on 8/4/23, and required day and temporary labor agencies to address safety training for temporary workers, the right of workers to refuse assignment to work sites involved in labor disputes, and other matters. DOL has withdrawn this rulemaking in anticipation of further changes to the Act made by [Senate Bill 3650](#), which has passed the General Assembly and is awaiting action by the Governor.

CERTIFICATES OF TITLE, REGISTRATION OF VEHICLES

Secretary of State

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

Text of Rulemaking: [48 Ill. Reg. 10809](#)

SOS Economic Impact Analysis

3. Small Businesses Affected

- a. Types of small businesses, small municipalities, and not-for-profit corporations affected: *Auto dealers, remitters, financial institutions (as lienholders), transporters.*
- b. Types of businesses subject to the proposed rule:

44-45	Retail Trade
48-49	Transportation and Warehousing
52	Finance and Insurance
54	Professional, Scientific, and Technical Services
55	Management of Companies and Enterprises
92	Public Administration
- c. Categories that the agency reasonably believes the rulemaking will impact, including:
 - ii. regulatory requirements;
 - v. licensing fees;
 - vii. training requirements;
 - viii. recordkeeping;
 - x. other potential impacted categories.

4. Small Business Compliance

- a. Reporting, bookkeeping, or other procedures required for compliance: *ELT service providers or lienholders must not be in violation of the following conditions: 1) Misuse of vehicle, title, or owner information. 2) Noncompliance with any security requirements specified by the Secretary of State. 3) Failure to provide requested information or records for the purposes of an audit by the Secretary. 4) Failure to follow approved procedures for submission of ELT transactions. 5) Noncompliance with the rule, any agreement entered into pursuant to the rule, or any applicable laws, rules, and regulations regarding certificates of title, security*

interests, and the ELT Program. 6) Failure to process transactions in accordance with Secretary of State procedures. 7) Failure to be licensed or registered and in good standing in the State of Illinois as a business or as a financial institution with the appropriate regulatory agency. ■ Vehicle transporters, or drivers thereof, must: 1) Display in-transit plates only on vehicles in-transit and in the process of delivery in the State of Illinois or on vehicles being transported to or from the State of Illinois; 2) Carry a copy of a work order, contract, bill of sale, or other similar document listing the beginning and ending destination, as well as the dates of travel, and be able to present such document to a law enforcement officer upon request; and 3) Be able to present evidence, in a form satisfactory to the Secretary of State, that the transporter (as applicant for in-transit plates) has proper liability insurance, and listing the name of the insurer and the policy number.

b. Types of professional skills necessary for compliance: *None.*

[Flinn Report summary](#)

The SECRETARY OF STATE proposed amendments to Certificates of Title, Registration of Vehicles (92 IAC 1010; 48 Ill Reg 10809) that cap the required fee to be charged by Electronic Lien and Title (ELT) providers for implementation and maintenance of the ELT system at no more than \$2.25 per lien transaction. However, ELT service providers may charge additional fees in their agreements with contractors. ELT service providers will be eligible to participate in the system provided they are registered, in good standing, and authorized to do business in Illinois; comply with all applicable laws and rules; and enter into a contract with a contractor. When a lien is satisfied, SOS will print and mail a certificate of title to the owner/lienholder as required by law. A lien may be removed from a title record and the title issued to the owner or second lienholder, even if there is no notice of the lien being satisfied or released, when the lien is more than 7 years old; the vehicle is more than 10 years old; or SOS records indicate that the lienholder is out of business. The rulemaking also provides that a salvage certificate must be issued for a repossessed vehicle if it has been damaged in excess of 50% (currently, 33 1/3%) of its fair market value and establishes conditions for issuance of special

plates to a vehicle transporter. Those affected by this rulemaking include vehicle dealers and other businesses that issue vehicle titles.

Comments (**through 9/9/24**), requests for public hearing (**through 8/9/24**), or questions to:

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

217-785-3094
pwright@ilsos.gov

ILLINOIS WORKS JOBS PROGRAM ACT

[*Department of Commerce and Economic Opportunity*](#)

Illinois Works Jobs Program Act (14 Ill. Adm. Code 680)

Text of Rulemaking: 48 Ill. Reg. 10489

DCEO Economic Impact Analysis

5. Small Businesses Affected

- a. Types of small businesses, small municipalities, and not-for-profit corporations affected: *Contractors and subcontractors will be given the opportunity to participate in the bid credit program. Participating contractors will be affected as they will have access to bid credits, which may be used to reduce a competitive bid amount to increase their chance of winning State capital projects. Contractors that opt not to participate will not have the opportunity to reduce their bid with or without bid credits. Small municipalities acting as an awarding agency will be required to sufficiently familiarize themselves with the bid credit program in order to correctly evaluate bids from contractors.*
- b. Types of businesses subject to the proposed rule:
 - 23 Construction
 - 81 Other Services (except Public Administration)
- c. Categories that the agency reasonably believes the rulemaking will impact, including:
 - i. hiring and additional staffing;
 - iii. purchasing;
 - vii. training requirements.

6. Small Business Compliance

- a. Reporting, bookkeeping, or other procedures required for compliance: *Participating contractors and subcontractors will be required to track their credits, and apprise DCEO's Office of Illinois Works of the outcome of a bid.*
- b. Types of professional skills necessary for compliance: *Participating contractors and subcontractors will be required to use Illinois Works online resources to submit requisite forms in order to request,*

accrue, and ultimately use bid credits. State agencies will also be required to use the system to apply and process credits in evaluating bids for State-funded capital projects.

[Flinn Report summary](#)

DCEO also proposed amendments to the Part titled Illinois Works Jobs Program Act (14 IAC 680; 48 Ill Reg 10489) that add provisions for a new Illinois Works Bid Credit Program and also update other aspects of the Illinois Works Jobs Program. The rulemaking provides that eligible contractors and subcontractors may earn bid credits, applicable to future bids on State projects, for employing qualified apprentices. Credits are determined by the mean statewide wage for the applicable construction trade, the number of hours worked by qualified apprentices, and how long the apprentices remain employed, up to a maximum \$4,500 credit for employing an individual who completes 6 years of apprenticeship and becomes a journeyman. To participate in the bid credit program, contractors and subcontractors must submit monthly reports of work performed by each qualified apprentice and send payroll documentation to DCEO (if the work was performed on a non-public works project) or the Illinois Department of Labor (if the work was for a public works project). DCEO will record and track all credits in the Illinois Works Credit Bank and issue bid credit certificates to contractors that earn credits. A list of active Bid Credit Program participants and available bid credits will be published on the DCEO website. Bid credits will expire 10 years after they are earned. When a public works project is opened for bid, the awarding authority will advise contractors that they may use bid credits, and note the maximum amount of bid credits that can be applied to the project: for projects under \$5 million, 3% of total project cost; for projects of \$5 million up to \$50 million, 4% of project cost; for projects of \$50 million or more, 5% of project cost. A contractor may use bid credits to outbid, by no more than \$1, the lowest qualified and responsible bidder that does not use bid credits. If two or more bidders that use bid credits end up bidding the same amount, pre-existing selection criteria will be used to select the winning bidder, with no advantage to the bidders using credits. Bid credits not applied to the project will be returned to the contractor. Bid credits may be combined for specific projects or transferred to another entity as the result of a merger or

acquisition, but may not be bought, sold or gifted to another contractor. Additionally, this rulemaking updates apprenticeship goals for various programs and allows these goals to be waived if the contractor or subcontractor demonstrates that not enough graduates of the Illinois Works Pre-Apprenticeship Program are available to meet the requirements of this Part. Penalties for intentional failure to comply with the program now include termination of the project contract or agreement involved, the contractor being barred from bidding on State projects for 3 years, a monetary penalty of up to 25% of the contract cost, or any combination of these penalties. Those affected by this rulemaking include construction trades apprenticeship programs and construction businesses that bid on public works projects.

Comments (**through 9/3/24**) or questions to:

Gina Arterberry
Department of Commerce & Economic Opportunity
1011 S. 2nd St.
Springfield, IL 62704-3004

217-524-8974

Gina.M.Arterberry@Illinois.gov

ENERGY TRANSITION NAVIGATORS PROGRAM

[*Department of Commerce and Economic Opportunity*](#)

Energy Transition Navigators Program (14 Ill. Adm. Code 820) (New Part)

Text of Rulemaking: [48 Ill. Reg. 10512](#)

DCEO Economic Impact Analysis

1. Small Businesses Affected

- a. Types of small businesses, small municipalities, and not-for-profit corporations affected: *The proposed rules would permit eligible not-for-profit community-based providers to apply for grants as Energy Transition Navigators. In addition, the grantee Energy*

Transition Navigators may assist Illinois residents to become aware of CEJA contractor development programs.

2. Small Business Compliance

- a. Reporting, bookkeeping, or other procedures required for compliance: *Bookkeeping, financial management, contract management, and reporting*
- b. Types of professional skills necessary for compliance: *Accounting, contract and grant administration, and financial management*

[Flinn Report summary](#)

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. Grantees will prioritize individuals eligible for the Clean Jobs Workforce Network Program or the Illinois Climate Works Pre-Apprenticeship Program.

Comments (**through 9/3/24**) or questions to:

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Department of Commerce & Economic Opportunity
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Springfield, IL 62704-3004

217-524-8974

Gina.M.Arterberry@Illinois.gov

RETURNING RESIDENTS CLEAN JOBS TRAINING PROGRAM

[Department of Commerce and Economic Opportunity](#)

Returning Residents Clean Jobs Training Program (14 Ill. Adm. Code 830) (New Part)

Text of Rulemaking: [48 Ill. Reg. 10534](#)

DCEO Economic Impact Analysis

1. Small Businesses Affected

- a. Types of small businesses, small municipalities, and not-for-profit corporations affected: *The proposed rules would permit eligible community-based organizations, including not-for-profit corporations, community colleges, or units of local government to apply for grants to become program grantees or program administrators or to partner with eligible organizations that apply for grants.*

2. Small Business Compliance

- a. Reporting, bookkeeping, or other procedures required for compliance: *Bookkeeping, financial management, contract management, and reporting*
- b. Types of professional skills necessary for compliance: *Accounting, contract and grant administration, and financial management*

[Flinn Report summary](#)

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.

Comments (**through 9/3/24**) or questions to:

Gina Arterberry
Department of Commerce & Economic Opportunity
1011 S. 2nd St.
Springfield, IL 62704-3004

217-524-8974

Gina.M.Arterberry@Illinois.gov

CLEAN JOBS WORKFORCE NETWORK PROGRAM

[*Department of Commerce and Economic Opportunity*](#)

Clean Jobs Workforce Network Program (14 Ill. Adm. Code 840) (New Part)

Text of Rulemaking: [48 Ill. Reg. 10564](#)

DCEO Economic Impact Analysis

1. Small Businesses Affected

- a. Types of small businesses, small municipalities, and not-for-profit corporations affected: *The proposed rules would permit eligible community-based organizations, including not-for-profit corporations, community colleges, or units of local government to apply for grants to become Clean Jobs Workforce Network Hubs or to partner with eligible organizations that apply for grants.*

2. Small Business Compliance

- a. Reporting, bookkeeping, or other procedures required for compliance: *Bookkeeping, financial management, contract management, and reporting*
- b. Types of professional skills necessary for compliance: *Accounting, contract and grant administration, and financial management*

[*Flinn Report summary:*](#)

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). Subject to appropriation, 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.

Comments (**through 9/3/24**) or questions to:

Gina Arterberry
Department of Commerce & Economic Opportunity
1011 S. 2nd St.
Springfield, IL 62704-3004

217-524-8974

Gina.M.Arterberry@Illinois.gov

ILLINOIS CLIMATE WORKS PRE-APPRENTICESHIP PROGRAM

[Department of Commerce and Economic Opportunity](#)

Illinois Climate Works Pre-Apprenticeship Program (14 Ill. Adm. Code 850) (New Part)

Text of Rulemaking: [48 Ill. Reg. 10592](#)

DCEO Economic Impact Analysis

1. Small Businesses Affected

- a. Types of small businesses, small municipalities, and not-for-profit corporations affected: *The proposed rules would permit eligible not-for-profit corporations to apply for grants to become Climate Works Hubs or partner with eligible organizations that apply for grants. Community-based organizations, which include community colleges, not-for-profit corporations, and local governments, may partner with Climate Works Hubs to provide program components.*

2. Small Business Compliance

- a. Reporting, bookkeeping, or other procedures required for compliance: *Bookkeeping, financial management, contract management, and reporting*
- b. Types of professional skills necessary for compliance: *Accounting, contract and grant administration, and financial management*

[Flinn Report summary](#)

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 appropriation, these hubs will also receive Energy Transition Barrier Reduction Program funding to provide wrap-around supportive services as needed for eligible individuals.

Comments (**through 9/3/24**) or questions to:

Gina Arterberry
Department of Commerce & Economic Opportunity
1011 S. 2nd St.
Springfield, IL 62704-3004

217-524-8974

Gina.M.Arterberry@Illinois.gov

CHILD CARE

[Department of Human Services](#)

Child Care ([89 Ill. Adm. Code 50](#))

Text of Rulemaking: [48 Ill. Reg. 10096](#)

DHS Economic Impact Analysis

1. Small Businesses Affected

- a. Types of small businesses, small municipalities, and not-for-profit corporations affected: *This rulemaking will affect businesses that provide child care services.*

2. Small Business Compliance

- a. Reporting, bookkeeping, or other procedures required for compliance: *None*
- b. Types of professional skills necessary for compliance: *None*

[Flinn Report summary](#)

The DEPARTMENT OF HUMAN SERVICES adopted emergency amendments to Child Care (89 IAC 50; 48 Ill Reg 10313) effective 7/1/24. Companion proposed amendments appear in this week's Illinois Register at 48 Ill Reg 10096. The emergency and proposed rulemakings update income eligibility thresholds for the Child Care Assistance Program (CCAP) to 225% of the current Federal Poverty Level for initial eligibility and 275% FPL for continuing eligibility, and also update the co-payment schedules based on income and family size. The proposed rulemaking additionally clarifies that a provision allowing parents to qualify for CCAP up to 3 months out of every 12 while in the process of establishing an eligible employment or educational activity is subject to the appropriation of funds to CCAP. Parents and child care providers enrolled in CCAP are affected by these rulemakings.

Comments (**through 8/26/24**) 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

AMBULATORY SURGICAL TREATMENT CENTER LICENSING REQUIREMENTS

[Department of Public Health](#)

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

Text of Rulemaking: [48 Ill. Reg. 10115](#)

DPH Economic Impact Analysis

1. Small Businesses Affected

- a. Types of small businesses, small municipalities, and not-for-profit corporations affected: *Ambulatory surgical treatment centers. Most of the businesses that are affected by the Department of Public Health's rules fall under the definition of a small business, small municipalities and not for profit corporations. The Department's policy is to adopt only minimum standards and thus not cause undue hardship on these businesses. The proposed rules were written with small businesses, small municipalities and not for profit corporations in mind and that the requirements are the bare minimum requirements needed to assure the public health, safety, and welfare of the citizens of the State of Illinois.*
- b. Types of businesses subject to the proposed rule:
62 *Health Care and Social Assistance*
- c. Categories that the agency reasonably believes the rulemaking will impact:
 - iii. *purchasing;*
 - vi. *equipment and material needs;*
 - viii. *recordkeeping.*

2. Small Business Compliance

- a. Reporting, bookkeeping, or other procedures required for compliance: *Procurement, administrative*
- b. Types of professional skills necessary for compliance: *Procurement, administrative*

[Flinn Report summary](#)

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Ambulatory Surgical Treatment Center Licensing Requirements (77 IAC 205; 48 Ill Reg 10115) implementing Public Acts 102- 155 and 102-1095. This rulemaking requires Ambulatory Surgical Treatment Centers (ASTCs) that order medication at least 24 hours in advance of a surgical procedure to offer patients any unused portion of that medication upon discharge if that medication is required for continuing treatment. The rulemaking also requires ASTCs to comply with the Latex Glove Ban Act [410 ILCS 180], which requires healthcare facilities to use non-latex gloves whenever possible and to avoid using latex gloves on any patient who is allergic to latex or whose latex allergy status is unknown. Other provisions remove a requirement for examination rooms and make various technical updates.

Comments (**through 8/26/24**) 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

CHILD CARE

[*Department of Human Services*](#)

Child Care (89 Ill. Adm. Code 50)

Text of Rulemaking: 48 Ill. Reg. 9217

DHS Economic Impact Analysis

1. Small Businesses Affected

- a. Types of small businesses, small municipalities, and not-for-profit corporations affected: *This rulemaking may affect businesses that provide child care services.*
- b. Types of businesses subject to the proposed rule:
 - 61 *Educational Services*
 - 62 *Health Care and Social Assistance*
- c. Categories that the agency reasonably believes the rulemaking will impact:
 - i. *hiring and additional staffing;*
 - ix. *compensation and benefits.*

2. Small Business Compliance

- a. Reporting, bookkeeping, or other procedures required for compliance: *Child care providers will be required to submit payroll documentation showing that the early childhood teacher and teaching assistant are compensated above the required base wage floor. They will also be required to keep posted in a position easily accessible to all Classroom Staff employed in participating classrooms one or more notices indicating the program and classrooms participating in Workforce Grants, the required wage floor, and methods to access the notification system for staff to report if they are not receiving wages at or above the required wage floor.*
- b. Types of professional skills necessary for compliance: *While general business professional skills will be needed to comply with payroll documentation, the Smart Start Workforce Grants has a Training and Technical Assistance aspect of work that will ensure that providers receive the needed supports to comply.*

Flinn Report summary

The DEPARTMENT OF HUMAN SERVICES proposed amendments to Child Care (89 IAC 50; 48 Ill Reg 9216) implementing the Smart Start Workforce grant program for child care providers. Grant awards must be used for the sole purpose of paying child care workers wages at or above a specified minimum based on position and on the provider's location. Applications will be made available by DHS or its qualified partners. To qualify for these grants, child care providers must have been licensed as day care homes, day care group homes, or day care centers by the Department of Children and Family Services at least one month prior to application; be open and providing care at least 8 consecutive hours per day, 5 days a week, at least 47 weeks per year; must not receive Early Childhood Block Grant, Head Start, or Early Head Start funds; and must have a minimum percentage or number of children enrolled in the Child Care Assistance Program (CCAP), as determined by DHS based on available appropriations. Day care homes and group homes must have at least 4 children enrolled. Day care centers' eligibility will be determined by classroom, with a minimum enrollment of 4 children under 2 years of age, 8 children ages 2 or 3, and 12 children ages 3 through 5. Day care providers that do not meet the minimum enrollment requirements may request waivers from these requirements, subject to additional documentation and restrictions. Award amounts for day care homes and group homes will be based on the number of staff and hours worked. Awards to day care centers will be based on the number of eligible classrooms and the ages served in those classrooms. Day care centers that receive grants must pay teachers at least \$19.25/hour and assistant teachers at least \$18/hour if located in Cook, DeKalb, DuPage, Kane, Kendall, Lake or McHenry counties; at least \$18.50/hour for teachers and \$17.25/hour for assistant teachers if located in Boone, Champaign, Kankakee, Madison, McLean, Monroe, Ogle, Peoria, Rock Island, Sangamon, St. Clair, Tazewell, Whiteside, Will, Winnebago or Woodford counties; and at least \$18.25/hour for teachers and \$17/hour for assistant teachers if located in any other county. Day care and group day care homes that receive grants must pay their child care assistants at least \$17 to \$18/hour based on their county location. Other provisions address the application process, reporting, program monitoring, program violations, hearings, and appeals of adverse actions.

Child care providers are affected by this rulemaking.

Comments (**through 8/19/24**) 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

CONTROL OF NOTIFIABLE DISEASES AND CONDITIONS CODE

[*Department of Public Health*](#)

Control of Notifiable Diseases and Conditions Code ([77 Ill. Adm. Code 690](#))

Text of Rulemaking: [48 Ill. Reg. 9515](#)

DPH Economic Impact Analysis

1. Small Businesses Affected

- a. Types of small businesses, small municipalities, and not-for-profit corporations affected: *Laboratories. Most of the businesses that are affected by the Department of Public Health's rules fall under the definition of a small business, small municipalities and not for profit corporations. The Department's policy is to adopt only minimum standards and thus not cause undue hardship on these businesses. The proposed rules were written with small businesses, small municipalities and not for profit corporations in mind and that the requirements are the bare minimum requirements needed to assure the public health, safety, and welfare of the citizens of the State of Illinois.*

- b. Types of businesses subject to the proposed rule:

54 *Professional, Scientific, and Technical Services*

- c. Categories that the agency reasonably believes the rulemaking will impact:
 - ii. *regulatory requirements*
 - ix. *recordkeeping*

2. Small Business Compliance

- a. Reporting, bookkeeping, or other procedures required for compliance: *Reporting*
- b. Types of professional skills necessary for compliance: *Laboratory personnel*

[Flinn Report summary](#)

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Control of Notifiable Diseases and Conditions Code (77 IAC 690; 48 Ill Reg 9506) that update reporting and testing requirements for various diseases. Cases of influenza or Respiratory Syncytial Virus (RSV) that are laboratory confirmed or result in intensive care admissions or pediatric deaths (under age 18) are reportable within 3 days (currently, 24 hours) to the local health department, which must then report to DPH within 3 additional days. Cases of COVID-19 that are laboratory confirmed or result in pediatric deaths or ICU admissions, and streptococcal infections in persons admitted to a hospital or residing in a residential facility, must also be reported to the local health authority within 3 days. With regard to measles, laboratories must report any request for measles diagnostic testing to the local health authority within 3 hours, and confirmatory PCR testing for measles should be conducted at a DPH Public Health Laboratory. Laboratories must also report patients who test positive on any test specific for or indicative of measles virus infection and forward to the DPH Laboratory any clinical materials that are PCR positive for measles. Negative PCR results for measles shall be forwarded to DPH upon request. Cases of toxic shock syndrome due to staphylococcus aureus infection must be reported within 3 (currently 7) days. Local health departments, healthcare providers, and laboratories are affected by this rulemaking.

Comments (**through 8/19/24**) 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

HOSPITAL SERVICES

[*Department of Healthcare and Family Services*](#)

Hospital Services (89 Ill. Adm. Code 148)

Text of Rulemaking: [48 Ill. Reg. 9183](#)

HFS Economic Impact Analysis

1. Small Businesses Affected

- a. Types of small businesses, small municipalities, and not-for-profit corporations affected: Hospitals

2. Small Business Compliance

- a. Reporting, bookkeeping, or other procedures required for compliance: None
- b. Types of professional skills necessary for compliance: None

[*Flinn Report summary:*](#)

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed amendments to Hospital Services (89 IAC 148; 48 Ill Reg 9183) that clarify how adjustment factors for high outpatient volume hospitals will be determined and require adjustments to be made when Enhanced Ambulatory Patient Groups (EAPG) groupers are updated (currently, every January 1). The rulemaking also removes an obsolete provision for an add-on payment to hospitals with a high volume of outpatient psychiatric Medicaid patients under age 19.

Comments (**through 8/19/24**) or questions to:

Katie Hill
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield IL 62763-0002

217-782-1233

HFS.Rules@illinois.gov

EMPLOYER TRAINING INVESTMENT PROGRAM

[*Department of Commerce and Economic Opportunity*](#)

Employer Training Investment Program (56 Ill. Adm. Code 2650)

Text of Rulemaking: 48 Ill. Reg. 8693

DCEO Economic Impact Analysis

1. Small Businesses Affected

- a. Types of small businesses, small municipalities, and not-for-profit corporations affected: *None. This is a grant program.*
- b. Types of businesses subject to the proposed rule:
 - 54 Professional, Scientific, and Technical Services
 - 55 Management of Companies and Enterprises
- c. Categories that the agency reasonably believes the rulemaking will impact:
 - i. *hiring and additional staffing*
 - vii. *training requirements*
 - ix. *compensation and benefits*

2. Small Business Compliance

- a. Reporting, bookkeeping, or other procedures required for compliance: *None. This is a grant program.*
- b. Types of professional skills necessary for compliance: *None. This is a grant program.*

[*Flinn Report summary:*](#)

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY proposed amendments to Employer Training Investment Program (56 IAC 2650; 48 Ill Reg 8693) that change the name of the Part to Employment Training Investment Program and expand the definition of employee training that can be funded by grants under this Part to include online, virtual classroom, or e-learning programs and training in language skills. The rulemaking replaces references to the Department with the term “Grantor” and changes contracts to “agreements”. Eligible training activities for which an employer may apply for a grant now include English language instruction and technical, language, and vocational skills training provided to members of migrant communities with Temporary Protected Status (granted by the federal government; currently includes migrants/refugees from 16 countries including Afghanistan, Venezuela, Haiti, Sudan, Somalia, and Ukraine). Applicants must be registered and pre-qualified through the Grant Accountability and Transparency Act (GATA) Portal and must be entities regarded for federal income tax purposes. Grantees are also subject to federal audit requirements and GATA rules at 44 IAC 7000. Grantees are required to monitor their own activities and those of any subcontractors to assure compliance with federal and state requirements and with performance expectations. Grantees may use transcripts from a digital training platform to verify employee and course training records. Employers receiving grants must comply with the Drug Free Workplace Act [30 ILCS 580/3] in addition to federal antidiscrimination laws. Applications will be accepted whenever a Notice of Funding Opportunity is posted. Other provisions clarify the application process and criteria for evaluating grants. Businesses seeking DCEO grants for employee training are affected.

Comments (**through 8/5/24**) or questions to:

Gina Arterberry
Department of Commerce & Economic Opportunity
607 E. Adams St. 12th Fl.
Springfield, IL 60601

217-524-8974

Gina.M.Arterberry@Illinois.gov

LONG-TERM CARE ASSISTANTS AND AIDES TRAINING PROGRAMS CODE

[Department of Public Health](#)

Long-Term Care Assistants and Aides Training Programs Code ([77 Ill. Adm. Code 395](#))

Text of Rulemaking: [48 Ill. Reg. 8740](#)

DPH Economic Impact Analysis

1. Small Businesses Affected

- a. Types of small businesses, small municipalities, and not-for-profit corporations affected: *Facilities licensed as skilled nursing or intermediate care facilities under the Nursing Home Care Act. Most of the businesses that are affected by the Department's rules fall under the definition of small businesses, small municipalities, and not-for-profit corporations. The Department's policy is to adopt only minimum standards and thus not cause undue hardship on these small businesses, small municipalities, and not-for-profit corporations. The proposed rules were written with small businesses, small municipalities, and not-for-profit corporations in mind and the requirements are the bare minimum requirements needed to assure the public health, safety, and welfare of the citizens of the State of Illinois.*
- b. Types of businesses subject to the proposed rule:
62 Health Care and Social Assistance
- c. Categories that the agency reasonably believes the rulemaking will impact:
 - i. *hiring and additional staffing*
 - ii. *regulatory requirements*
 - vi. *equipment and material needs*
 - vii. *training requirements*
 - viii. *recordkeeping*

2. Small Business Compliance

- a. Reporting, bookkeeping, or other procedures required for compliance: *Facilities will be required to comply with requirements related to the CNA Intern Program.*
- b. Types of professional skills necessary for compliance: *Registered professional nurses, certified nursing assistants, facility administrative staff*

[Flinn Report summary:](#)

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to the Part titled Long-Term Care Assistants and Aides Training Programs Code (77 IAC 395; 48 Ill Reg 8740) implementing Public Act 102-1037, which creates a temporary (3-year) Certified Nursing Assistant Intern program for longterm care facilities. This rulemaking reflects statutory requirements for CNA Interns, who may perform limited duties under the direction of a supervisory nurse while working toward full certification as a CNA. The intern must first complete at least 8 hours of classroom training and 24 hours of on-the-job training at the employing facility, provided by a nurse certified as a nursing assistant instructor, or an advanced practice registered nurse or registered nurse with at least a bachelor's degree plus 3 years of continuous experience in geriatric care. Tasks to be included in the intern's training include, but are not limited to, first aid and CPR certification; performing the Heimlich maneuver; infection control, including washing residents' hands; performing oral hygiene (e.g., tooth brushing, denture cleaning) on residents; feeding, dressing, shaving (with an electric razor) and giving partial baths to residents; making a bed while it is occupied; transferring residents from bed to wheelchair or helping them walk with a gait or transfer belt; calculating residents' food/water intake and output; and adjusting a resident's bed position. Tasks that cannot be performed by a CNA Intern include shaving with a non-electric razor; nail or perineal care; transfers with a mechanical lift; and passive range of motion exercises or movements. CNA Interns are subject to background checks and will be included in the DPH Health Care Worker Registry. Persons who completed Temporary Nursing Assistant (TNA) training between 4/21/20 and 9/18/20 may be accepted as CNA Interns after their competency in the required skills has been confirmed by an APRN or registered nurse educator.

CNA Interns must enroll in a Basic Nursing Assistant Training Program (BNATP) within 6 months after completing CNA Intern training and will receive 1 hour credit for every hour employed as a CNA Intern or as a TNA, up to a maximum of 30 hours credit. Facilities that employ CNA Interns must be in good standing with DPH and the federal Medicare/Medicaid program, and must not have applied for or received a waiver from registered nurse staffing requirements or have had CNAs removed from the Health Care Worker Registry for abuse, neglect or exploitation of residents within the past 2 years. This rulemaking will be automatically repealed 3 years after its adoption. Long-term care facilities and providers of CNA training are affected.

Comments (**through 8/5/24**) 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

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 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.