

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Assisted Living and Shared Housing Act is  
5 amended by adding Section 21 as follows:

6 (210 ILCS 9/21 new)

7 Sec. 21. Establishment plan review; fees.

8 (a) Before commencing construction of new assisted living  
9 or shared housing establishments or alterations or additions  
10 to an existing assisted living or shared housing establishment  
11 involving major construction, as defined by rule by the  
12 Department, an applicant under this Section shall submit  
13 architectural drawings and specifications to the Department  
14 for review and approval. An applicant under this Section shall  
15 submit architectural drawings and specifications for other  
16 construction projects for Department review according to  
17 subsection (b) that shall not be subject to fees under  
18 subsection (d). Review of drawings and specifications shall be  
19 conducted by an employee of the Department meeting the  
20 qualifications established by the Department of Central  
21 Management Services class specifications for the individual's  
22 position. Final approval of the drawings and specifications  
23 for compliance with design and construction standards shall be

1 obtained from the Department before the proposed alteration,  
2 addition, or new construction begins. The Department shall  
3 adopt rules for determining whether a construction,  
4 alteration, or addition is subject to the submission  
5 requirements of this Section. The Department shall not review  
6 a submission under this Section until the required fee, if  
7 any, has been paid.

8 (b) The Department shall inform an applicant in writing  
9 within 10 working days after receiving drawings,  
10 specifications, and the required fee, if any, from the  
11 applicant whether the applicant's submission is complete or  
12 incomplete. Failure to provide the applicant with this notice  
13 within 10 working days shall result in the submission being  
14 deemed complete for purposes of initiating the 45 calendar day  
15 review period under this Section. If the submission is  
16 incomplete, the Department shall inform the applicant of the  
17 deficiencies with the submission in writing. If the submission  
18 is complete and the required fee, if any, has been paid, the  
19 Department shall approve or disapprove drawings and  
20 specifications submitted to the Department no later than 45  
21 calendar days following receipt by the Department. The  
22 drawings and specifications shall be of sufficient detail, as  
23 provided by Department rule, to enable the Department to  
24 render a determination of compliance with design and  
25 construction standards under this Act. If the Department finds  
26 that the drawings are not of sufficient detail for it to render

1 a determination of compliance, the plans shall be determined  
2 to be incomplete and shall not be considered for purposes of  
3 initiating the 45 calendar day review period. If a submission  
4 of drawings and specifications is incomplete, the applicant  
5 may submit additional information. The 45 calendar day review  
6 period shall not commence until the Department determines that  
7 a submission of drawings and specifications is complete or the  
8 submission is deemed complete. If the Department has not  
9 approved or disapproved the drawings and specifications within  
10 45 calendar days, the construction, major alteration, or  
11 addition shall be deemed approved. If the drawings and  
12 specifications are disapproved, the Department shall state in  
13 writing, with specificity, the reasons for the disapproval.  
14 The entity submitting the drawings and specifications may  
15 submit additional information in response to the written  
16 comments from the Department or request a reconsideration of  
17 the disapproval. A final decision of approval or disapproval  
18 shall be made within 30 calendar days of the receipt of the  
19 additional information or reconsideration request. If denied,  
20 the Department shall state the specific reasons for the  
21 denial.

22 (c) The Department shall provide written approval for  
23 occupancy pursuant to subsection (g).

24 (d) The Department shall charge the following fees in  
25 connection with its reviews conducted after the effective date  
26 of this amendatory Act of the 103rd General Assembly under

1 this Section:

2 (1) If the estimated dollar value of the alteration,  
3 addition, or new construction is \$99,999.99 or less, no  
4 fee is required.

5 (2) If the estimated dollar value of the alteration,  
6 addition, or new construction is \$100,000 or more but less  
7 than \$500,000, the fee shall be the greater of \$2,400 or  
8 1.2% of the estimated dollar value of the alteration,  
9 addition, or new construction.

10 (3) If the estimated dollar value of the alteration,  
11 addition, or new construction is \$500,000 or more but less  
12 than \$1,000,000, the fee shall be the greater of \$6,0000  
13 or 0.96% of that value.

14 (4) If the estimated dollar value of the alteration,  
15 addition, or new construction is \$1,000,000 or more but  
16 less than \$5,000,000, the fee shall be the greater of  
17 \$9,600 or 0.22% of the estimated dollar value of the  
18 alteration, addition, or new construction.

19 (5) If the estimated dollar value of the alteration,  
20 addition, or new construction is \$5,000,000 or more, the  
21 fee shall be the greater of \$11,000 or 0.11% of the  
22 estimated dollar value of the alteration, addition, or new  
23 construction, but shall not exceed \$30,000.

24 The fees provided in this subsection (d) shall not apply  
25 to major construction projects involving establishment changes  
26 that are required by an amendment to a Department rule.

1       The Department shall not commence the establishment plan  
2 review process under this Section until the applicable fee has  
3 been paid.

4       (e) All fees received by the Department under this Section  
5 shall be deposited into the Health Facility Plan Review Fund,  
6 a special fund created in the State Treasury. All fees paid by  
7 establishments under this Section shall be used only to cover  
8 the costs relating to the Department's review of projects  
9 listed in this Section. Moneys shall be appropriated from that  
10 Fund to the Department only to pay the costs of conducting  
11 reviews under this Section, under Section 3-202.5 of the  
12 Nursing Home Care Act, Section 3-202.5 of the MC/DD Act, or  
13 Section 3-202.5 of the ID/DD Community Care Act. None of the  
14 moneys in the Health Facility Plan Review Fund shall be used to  
15 reduce the amount of General Revenue Fund moneys appropriated  
16 to the Department for plan reviews conducted pursuant to this  
17 Section.

18       (f) The Department shall review the fee structure 3 years  
19 after the effective date of this amendatory Act of the 103rd  
20 General Assembly and every 5 years thereafter, and fees shall  
21 be increased or decreased to maintain the plan review program.

22       (g) The Department shall conduct an on-site inspection of  
23 the completed project no later than 30 working days after  
24 notification from the applicant under this Section that the  
25 project has been completed and all certifications required by  
26 the Department have been received and accepted by the

1 Department. The Department shall provide written approval for  
2 occupancy to the applicant within 10 working days of the  
3 Department's final inspection, provided the applicant has  
4 demonstrated substantial compliance as defined by Department  
5 rule. Occupancy of new major construction is prohibited until  
6 Department approval is received, unless the Department has not  
7 acted within the time frames provided in this subsection (g),  
8 in which case the construction shall be deemed approved.  
9 Occupancy shall be authorized after any required health  
10 inspection by the Department has been conducted.

11 (h) The Department shall establish, by rule, a procedure  
12 to conduct voluntary interim on-site review of large or  
13 complex construction projects for a fee of \$3,000 per interim  
14 on-site review.

15 (i) The Department shall establish, by rule, an expedited  
16 process for emergency repairs or replacement of like  
17 equipment.

18 The establishment shall not be occupied until the  
19 Department provides written approval for occupancy to the  
20 owner or operator within 10 business days after the  
21 Department's final inspection, provided that the owner or  
22 operator has substantially complied with this Section as  
23 determined by the Department by rule.

24 (j) Nothing in this Section shall be construed to apply to  
25 maintenance, upkeep, or renovation that does not affect the  
26 structural integrity of the building, does not add units or

1 services over the number for which the establishment is  
2 licensed, and provides a reasonable degree of safety for the  
3 residents.

4 Section 10. The Nursing Home Care Act is amended by  
5 changing Section 3-202.5 as follows:

6 (210 ILCS 45/3-202.5)

7 Sec. 3-202.5. Facility plan review; fees.

8 (a) Before commencing construction of a new facility or  
9 specified types of alteration or additions to an existing long  
10 term care facility involving major construction, as defined by  
11 rule by the Department, with an estimated cost greater than  
12 \$100,000, architectural drawings and specifications for the  
13 facility shall be submitted to the Department for review and  
14 approval. A facility may submit architectural drawings and  
15 specifications for other construction projects for Department  
16 review according to subsection (b) that shall not be subject  
17 to fees under subsection (d). Review of drawings and  
18 specifications shall be conducted by an employee of the  
19 Department meeting the qualifications established by the  
20 Department of Central Management Services class specifications  
21 for such an individual's position or by a person contracting  
22 with the Department who meets those class specifications.  
23 Final approval of the drawings and specifications for  
24 compliance with design and construction standards shall be

1 obtained from the Department before the alteration, addition,  
2 or new construction is begun.

3 (b) The Department shall inform an applicant in writing  
4 within 10 working days after receiving drawings and  
5 specifications and the required fee, if any, from the  
6 applicant whether the applicant's submission is complete or  
7 incomplete. Failure to provide the applicant with this notice  
8 within 10 working days shall result in the submission being  
9 deemed complete for purposes of initiating the 60-day review  
10 period under this Section. If the submission is incomplete,  
11 the Department shall inform the applicant of the deficiencies  
12 with the submission in writing. If the submission is complete  
13 the required fee, if any, has been paid, the Department shall  
14 approve or disapprove drawings and specifications submitted to  
15 the Department no later than 60 days following receipt by the  
16 Department. The drawings and specifications shall be of  
17 sufficient detail, as provided by Department rule, to enable  
18 the Department to render a determination of compliance with  
19 design and construction standards under this Act. If the  
20 Department finds that the drawings are not of sufficient  
21 detail for it to render a determination of compliance, the  
22 plans shall be determined to be incomplete and shall not be  
23 considered for purposes of initiating the 60-day review  
24 period. If a submission of drawings and specifications is  
25 incomplete, the applicant may submit additional information.  
26 The 60-day review period shall not commence until the



1 Department determines that a submission of drawings and  
2 specifications is complete or the submission is deemed  
3 complete. If the Department has not approved or disapproved  
4 the drawings and specifications within 60 days, the  
5 construction, major alteration, or addition shall be deemed  
6 approved. If the drawings and specifications are disapproved,  
7 the Department shall state in writing, with specificity, the  
8 reasons for the disapproval. The entity submitting the  
9 drawings and specifications may submit additional information  
10 in response to the written comments from the Department or  
11 request a reconsideration of the disapproval. A final decision  
12 of approval or disapproval shall be made within 45 days of the  
13 receipt of the additional information or reconsideration  
14 request. If denied, the Department shall state the specific  
15 reasons for the denial.

16 (c) The Department shall provide written approval for  
17 occupancy pursuant to subsection (g) and shall not issue a  
18 violation to a facility as a result of a licensure or complaint  
19 survey based upon the facility's physical structure if:

20 (1) the Department reviewed and approved or deemed  
21 approved the drawings and specifications for compliance  
22 with design and construction standards;

23 (2) the construction, major alteration, or addition  
24 was built as submitted;

25 (3) the law or rules have not been amended since the  
26 original approval; and

1           (4) the conditions at the facility indicate that there  
2           is a reasonable degree of safety provided for the  
3           residents.

4           (d) The Department shall charge the following fees in  
5           connection with its reviews conducted before June 30, 2004  
6           under this Section:

7           (1) (Blank).

8           (2) (Blank).

9           (3) If the estimated dollar value of the alteration,  
10          addition, or new construction is \$100,000 or more but less  
11          than \$500,000, the fee shall be the greater of \$2,400 or  
12          1.2% of that value.

13          (4) If the estimated dollar value of the alteration,  
14          addition, or new construction is \$500,000 or more but less  
15          than \$1,000,000, the fee shall be the greater of \$6,000 or  
16          0.96% of that value.

17          (5) If the estimated dollar value of the alteration,  
18          addition, or new construction is \$1,000,000 or more but  
19          less than \$5,000,000, the fee shall be the greater of  
20          \$9,600 or 0.22% of that value.

21          (6) If the estimated dollar value of the alteration,  
22          addition, or new construction is \$5,000,000 or more, the  
23          fee shall be the greater of \$11,000 or 0.11% of that value,  
24          but shall not exceed \$40,000.

25          The fees provided in this subsection (d) shall not apply  
26          to major construction projects involving facility changes that

1 are required by Department rule amendments.

2 The fees provided in this subsection (d) shall also not  
3 apply to major construction projects if 51% or more of the  
4 estimated cost of the project is attributed to capital  
5 equipment. For major construction projects where 51% or more  
6 of the estimated cost of the project is attributed to capital  
7 equipment, the Department shall by rule establish a fee that  
8 is reasonably related to the cost of reviewing the project.

9 The Department shall not commence the facility plan review  
10 process under this Section until the applicable fee has been  
11 paid.

12 (e) All fees received by the Department under this Section  
13 shall be deposited into the Health Facility Plan Review Fund,  
14 a special fund created in the State Treasury. All fees paid by  
15 long-term care facilities under subsection (d) shall be used  
16 only to cover the costs relating to the Department's review of  
17 long-term care facility projects under this Section. Moneys  
18 shall be appropriated from that Fund to the Department only to  
19 pay the costs of conducting reviews under this Section, or  
20 under Section 3-202.5 of the ID/DD Community Care Act, or  
21 Section 3-202.5 of the MC/DD Act, or Section 21 of the Assisted  
22 Living and Shared Housing Act. None of the moneys in the Health  
23 Facility Plan Review Fund shall be used to reduce the amount of  
24 General Revenue Fund moneys appropriated to the Department for  
25 facility plan reviews conducted pursuant to this Section.

26 (f) (1) The provisions of this amendatory Act of 1997

1 concerning drawings and specifications shall apply only to  
2 drawings and specifications submitted to the Department on or  
3 after October 1, 1997.

4 (2) On and after the effective date of this amendatory Act  
5 of 1997 and before October 1, 1997, an applicant may submit or  
6 resubmit drawings and specifications to the Department and pay  
7 the fees provided in subsection (d). If an applicant pays the  
8 fees provided in subsection (d) under this paragraph (2), the  
9 provisions of subsection (b) shall apply with regard to those  
10 drawings and specifications.

11 (g) The Department shall conduct an on-site inspection of  
12 the completed project no later than 30 days after notification  
13 from the applicant that the project has been completed and all  
14 certifications required by the Department have been received  
15 and accepted by the Department, except that, during a  
16 statewide public health emergency, as defined in the Illinois  
17 Emergency Management Agency Act, the Department shall conduct  
18 an on-site inspection of the completed project to the extent  
19 feasible. The Department shall provide written approval for  
20 occupancy to the applicant within 5 working days of the  
21 Department's final inspection, provided the applicant has  
22 demonstrated substantial compliance as defined by Department  
23 rule. Occupancy of new major construction is prohibited until  
24 Department approval is received, unless the Department has not  
25 acted within the time frames provided in this subsection (g),  
26 in which case the construction shall be deemed approved.

1 Occupancy shall be authorized after any required health  
2 inspection by the Department has been conducted.

3 (h) The Department shall establish, by rule, a procedure  
4 to conduct interim on-site review of large or complex  
5 construction projects.

6 (i) The Department shall establish, by rule, an expedited  
7 process for emergency repairs or replacement of like  
8 equipment.

9 (j) Nothing in this Section shall be construed to apply to  
10 maintenance, upkeep, or renovation that does not affect the  
11 structural integrity of the building, does not add beds or  
12 services over the number for which the long-term care facility  
13 is licensed, and provides a reasonable degree of safety for  
14 the residents.

15 (Source: P.A. 103-1, eff. 4-27-23.)

16 Section 15. The MC/DD Act is amended by changing Section  
17 3-202.5 as follows:

18 (210 ILCS 46/3-202.5)

19 Sec. 3-202.5. Facility plan review; fees.

20 (a) Before commencing construction of a new facility or  
21 specified types of alteration or additions to an existing  
22 facility involving major construction, as defined by rule by  
23 the Department, with an estimated cost greater than \$100,000,  
24 architectural drawings and specifications for the facility

1 shall be submitted to the Department for review and approval.  
2 A facility may submit architectural drawings and  
3 specifications for other construction projects for Department  
4 review according to subsection (b) that shall not be subject  
5 to fees under subsection (d). Review of drawings and  
6 specifications shall be conducted by an employee of the  
7 Department meeting the qualifications established by the  
8 Department of Central Management Services class specifications  
9 for such an individual's position or by a person contracting  
10 with the Department who meets those class specifications.  
11 Final approval of the drawings and specifications for  
12 compliance with design and construction standards shall be  
13 obtained from the Department before the alteration, addition,  
14 or new construction is begun.

15 (b) The Department shall inform an applicant in writing  
16 within 10 working days after receiving drawings and  
17 specifications and the required fee, if any, from the  
18 applicant whether the applicant's submission is complete or  
19 incomplete. Failure to provide the applicant with this notice  
20 within 10 working days shall result in the submission being  
21 deemed complete for purposes of initiating the 60-day review  
22 period under this Section. If the submission is incomplete,  
23 the Department shall inform the applicant of the deficiencies  
24 with the submission in writing. If the submission is complete  
25 the required fee, if any, has been paid, the Department shall  
26 approve or disapprove drawings and specifications submitted to

1 the Department no later than 60 days following receipt by the  
2 Department. The drawings and specifications shall be of  
3 sufficient detail, as provided by Department rule, to enable  
4 the Department to render a determination of compliance with  
5 design and construction standards under this Act. If the  
6 Department finds that the drawings are not of sufficient  
7 detail for it to render a determination of compliance, the  
8 plans shall be determined to be incomplete and shall not be  
9 considered for purposes of initiating the 60 day review  
10 period. If a submission of drawings and specifications is  
11 incomplete, the applicant may submit additional information.  
12 The 60 day review period shall not commence until the  
13 Department determines that a submission of drawings and  
14 specifications is complete or the submission is deemed  
15 complete. If the Department has not approved or disapproved  
16 the drawings and specifications within 60 days, the  
17 construction, major alteration, or addition shall be deemed  
18 approved. If the drawings and specifications are disapproved,  
19 the Department shall state in writing, with specificity, the  
20 reasons for the disapproval. The entity submitting the  
21 drawings and specifications may submit additional information  
22 in response to the written comments from the Department or  
23 request a reconsideration of the disapproval. A final decision  
24 of approval or disapproval shall be made within 45 days of the  
25 receipt of the additional information or reconsideration  
26 request. If denied, the Department shall state the specific

1 reasons for the denial.

2 (c) The Department shall provide written approval for  
3 occupancy pursuant to subsection (g) and shall not issue a  
4 violation to a facility as a result of a licensure or complaint  
5 survey based upon the facility's physical structure if:

6 (1) the Department reviewed and approved or deemed  
7 approved the drawings and specifications for compliance  
8 with design and construction standards;

9 (2) the construction, major alteration, or addition  
10 was built as submitted;

11 (3) the law or rules have not been amended since the  
12 original approval; and

13 (4) the conditions at the facility indicate that there  
14 is a reasonable degree of safety provided for the  
15 residents.

16 (d) (Blank).

17 (e) All fees received by the Department under this Section  
18 shall be deposited into the Health Facility Plan Review Fund,  
19 a special fund created in the State Treasury. All fees paid by  
20 facilities under this Section shall be used to cover the costs  
21 relating to the Department's review of facility projects under  
22 this Section only. Moneys shall be appropriated from that Fund  
23 to the Department only to pay the costs of conducting reviews  
24 under this Section, under Section 3-202.5 of the Nursing Home  
25 Care Act, under Section 21 of the Assisted Living and Shared  
26 Housing Act, or under Section 3-202.5 of the ID/DD Community



1 Care Act. None of the moneys in the Health Facility Plan Review  
2 Fund shall be used to reduce the amount of General Revenue Fund  
3 moneys appropriated to the Department for facility plan  
4 reviews conducted pursuant to this Section.

5 (f) (Blank).

6 (g) The Department shall conduct an on site inspection of  
7 the completed project no later than 30 days after notification  
8 from the applicant that the project has been completed and all  
9 certifications required by the Department have been received  
10 and accepted by the Department, except that, during a  
11 statewide public health emergency, as defined in the Illinois  
12 Emergency Management Agency Act, the Department shall conduct  
13 an on-site inspection to the extent feasible. The Department  
14 shall provide written approval for occupancy to the applicant  
15 within 5 working days of the Department's final inspection,  
16 provided the applicant has demonstrated substantial compliance  
17 as defined by Department rule. Occupancy of new major  
18 construction is prohibited until Department approval is  
19 received, unless the Department has not acted within the time  
20 frames provided in this subsection (g), in which case the  
21 construction shall be deemed approved. Occupancy shall be  
22 authorized after any required health inspection by the  
23 Department has been conducted.

24 (h) The Department shall establish, by rule, a procedure  
25 to conduct interim on site review of large or complex  
26 construction projects.

1 (i) The Department shall establish, by rule, an expedited  
2 process for emergency repairs or replacement of like  
3 equipment.

4 (j) Nothing in this Section shall be construed to apply to  
5 maintenance, upkeep, or renovation that does not affect the  
6 structural integrity of the building, does not add beds or  
7 services over the number for which the facility is licensed,  
8 and provides a reasonable degree of safety for the residents.

9 (Source: P.A. 103-1, eff. 4-27-23.)

10 Section 20. The ID/DD Community Care Act is amended by  
11 changing Section 3-202.5 as follows:

12 (210 ILCS 47/3-202.5)

13 Sec. 3-202.5. Facility plan review; fees.

14 (a) Before commencing construction of a new facility or  
15 specified types of alteration or additions to an existing long  
16 term care facility involving major construction, as defined by  
17 rule by the Department, with an estimated cost greater than  
18 \$100,000, architectural drawings and specifications for the  
19 facility shall be submitted to the Department for review and  
20 approval. A facility may submit architectural drawings and  
21 specifications for other construction projects for Department  
22 review according to subsection (b) that shall not be subject  
23 to fees under subsection (d). Review of drawings and  
24 specifications shall be conducted by an employee of the

1 Department meeting the qualifications established by the  
2 Department of Central Management Services class specifications  
3 for such an individual's position or by a person contracting  
4 with the Department who meets those class specifications.  
5 Final approval of the drawings and specifications for  
6 compliance with design and construction standards shall be  
7 obtained from the Department before the alteration, addition,  
8 or new construction is begun.

9 (b) The Department shall inform an applicant in writing  
10 within 10 working days after receiving drawings and  
11 specifications and the required fee, if any, from the  
12 applicant whether the applicant's submission is complete or  
13 incomplete. Failure to provide the applicant with this notice  
14 within 10 working days shall result in the submission being  
15 deemed complete for purposes of initiating the 60 day review  
16 period under this Section. If the submission is incomplete,  
17 the Department shall inform the applicant of the deficiencies  
18 with the submission in writing. If the submission is complete  
19 the required fee, if any, has been paid, the Department shall  
20 approve or disapprove drawings and specifications submitted to  
21 the Department no later than 60 days following receipt by the  
22 Department. The drawings and specifications shall be of  
23 sufficient detail, as provided by Department rule, to enable  
24 the Department to render a determination of compliance with  
25 design and construction standards under this Act. If the  
26 Department finds that the drawings are not of sufficient

1 detail for it to render a determination of compliance, the  
2 plans shall be determined to be incomplete and shall not be  
3 considered for purposes of initiating the 60 day review  
4 period. If a submission of drawings and specifications is  
5 incomplete, the applicant may submit additional information.  
6 The 60 day review period shall not commence until the  
7 Department determines that a submission of drawings and  
8 specifications is complete or the submission is deemed  
9 complete. If the Department has not approved or disapproved  
10 the drawings and specifications within 60 days, the  
11 construction, major alteration, or addition shall be deemed  
12 approved. If the drawings and specifications are disapproved,  
13 the Department shall state in writing, with specificity, the  
14 reasons for the disapproval. The entity submitting the  
15 drawings and specifications may submit additional information  
16 in response to the written comments from the Department or  
17 request a reconsideration of the disapproval. A final decision  
18 of approval or disapproval shall be made within 45 days of the  
19 receipt of the additional information or reconsideration  
20 request. If denied, the Department shall state the specific  
21 reasons for the denial.

22 (c) The Department shall provide written approval for  
23 occupancy pursuant to subsection (g) and shall not issue a  
24 violation to a facility as a result of a licensure or complaint  
25 survey based upon the facility's physical structure if:

26 (1) the Department reviewed and approved or deemed

1 approved the drawings and specifications for compliance  
2 with design and construction standards;

3 (2) the construction, major alteration, or addition  
4 was built as submitted;

5 (3) the law or rules have not been amended since the  
6 original approval; and

7 (4) the conditions at the facility indicate that there  
8 is a reasonable degree of safety provided for the  
9 residents.

10 (d) The Department shall charge the following fees in  
11 connection with its reviews conducted before June 30, 2004  
12 under this Section:

13 (1) (Blank).

14 (2) (Blank).

15 (3) If the estimated dollar value of the alteration,  
16 addition, or new construction is \$100,000 or more but less  
17 than \$500,000, the fee shall be the greater of \$2,400 or  
18 1.2% of that value.

19 (4) If the estimated dollar value of the alteration,  
20 addition, or new construction is \$500,000 or more but less  
21 than \$1,000,000, the fee shall be the greater of \$6,000 or  
22 0.96% of that value.

23 (5) If the estimated dollar value of the alteration,  
24 addition, or new construction is \$1,000,000 or more but  
25 less than \$5,000,000, the fee shall be the greater of  
26 \$9,600 or 0.22% of that value.

1           (6) If the estimated dollar value of the alteration,  
2           addition, or new construction is \$5,000,000 or more, the  
3           fee shall be the greater of \$11,000 or 0.11% of that value,  
4           but shall not exceed \$40,000. The fees provided in this  
5           subsection (d) shall not apply to major construction  
6           projects involving facility changes that are required by  
7           Department rule amendments. The fees provided in this  
8           subsection (d) shall also not apply to major construction  
9           projects if 51% or more of the estimated cost of the  
10          project is attributed to capital equipment. For major  
11          construction projects where 51% or more of the estimated  
12          cost of the project is attributed to capital equipment,  
13          the Department shall by rule establish a fee that is  
14          reasonably related to the cost of reviewing the project.  
15          The Department shall not commence the facility plan review  
16          process under this Section until the applicable fee has  
17          been paid.

18          (e) All fees received by the Department under this Section  
19          shall be deposited into the Health Facility Plan Review Fund,  
20          a special fund created in the State Treasury. All fees paid by  
21          long term care facilities under subsection (d) shall be used  
22          only to cover the costs relating to the Department's review of  
23          long term care facility projects under this Section. Moneys  
24          shall be appropriated from that Fund to the Department only to  
25          pay the costs of conducting reviews under this Section,  
26          Section 3-202.5 of the MC/DD Act, Section 21 of the Assisted

1 Living and Shared Housing Act, or under Section 3-202.5 of the  
2 Nursing Home Care Act. None of the moneys in the Health  
3 Facility Plan Review Fund shall be used to reduce the amount of  
4 General Revenue Fund moneys appropriated to the Department for  
5 facility plan reviews conducted pursuant to this Section.

6 (f) (Blank).

7 (g) The Department shall conduct an on site inspection of  
8 the completed project no later than 30 days after notification  
9 from the applicant that the project has been completed and all  
10 certifications required by the Department have been received  
11 and accepted by the Department. The Department shall provide  
12 written approval for occupancy to the applicant within 5  
13 working days of the Department's final inspection, provided  
14 the applicant has demonstrated substantial compliance as  
15 defined by Department rule. Occupancy of new major  
16 construction is prohibited until Department approval is  
17 received, unless the Department has not acted within the time  
18 frames provided in this subsection (g), in which case the  
19 construction shall be deemed approved. Occupancy shall be  
20 authorized after any required health inspection by the  
21 Department has been conducted.

22 (h) The Department shall establish, by rule, a procedure  
23 to conduct interim on site review of large or complex  
24 construction projects.

25 (i) The Department shall establish, by rule, an expedited  
26 process for emergency repairs or replacement of like

1 equipment.

2 (j) Nothing in this Section shall be construed to apply to  
3 maintenance, upkeep, or renovation that does not affect the  
4 structural integrity of the building, does not add beds or  
5 services over the number for which the long term care facility  
6 is licensed, and provides a reasonable degree of safety for  
7 the residents.

8 (Source: P.A. 96-339, eff. 7-1-10.)