



Rep. Theresa Mah

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10400HB0918ham001

LRB104 04816 SPS 25092 a

1 AMENDMENT TO HOUSE BILL 918

2 AMENDMENT NO. _____. Amend House Bill 918 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Health Facilities Planning Act is
5 amended by changing Section 3 as follows:

6 (20 ILCS 3960/3) (from Ch. 111 1/2, par. 1153)

7 (Section scheduled to be repealed on December 31, 2029)

8 Sec. 3. Definitions. As used in this Act:

9 "Health care facilities" means and includes the following
10 facilities, organizations, and related persons:

11 (1) An ambulatory surgical treatment center required
12 to be licensed pursuant to the Ambulatory Surgical
13 Treatment Center Act.

14 (2) An institution, place, building, or agency
15 required to be licensed pursuant to the Hospital Licensing
16 Act.

1 (3) Skilled and intermediate long term care facilities
2 licensed under the Nursing Home Care Act.

3 (A) If a demonstration project under the Nursing
4 Home Care Act applies for a certificate of need to
5 convert to a nursing facility, it shall meet the
6 licensure and certificate of need requirements in
7 effect as of the date of application.

8 (B) Except as provided in item (A) of this
9 subsection, this Act does not apply to facilities
10 granted waivers under Section 3-102.2 of the Nursing
11 Home Care Act.

12 (3.5) Skilled and intermediate care facilities
13 licensed under the ID/DD Community Care Act or the MC/DD
14 Act. No permit or exemption is required for a facility
15 licensed under the ID/DD Community Care Act or the MC/DD
16 Act prior to the reduction of the number of beds at a
17 facility. If there is a total reduction of beds at a
18 facility licensed under the ID/DD Community Care Act or
19 the MC/DD Act, this is a discontinuation or closure of the
20 facility. If a facility licensed under the ID/DD Community
21 Care Act or the MC/DD Act reduces the number of beds or
22 discontinues the facility, that facility must notify the
23 Board as provided in Section 14.1 of this Act.

24 (3.7) Facilities licensed under the Specialized Mental
25 Health Rehabilitation Act of 2013.

26 (4) Hospitals, nursing homes, ambulatory surgical

1 treatment centers, or kidney disease treatment centers
2 maintained by the State or any department or agency
3 thereof.

4 (5) Kidney disease treatment centers, including a
5 free-standing hemodialysis unit required to meet the
6 requirements of 42 CFR 494 in order to be certified for
7 participation in Medicare and Medicaid under Titles XVIII
8 and XIX of the federal Social Security Act.

9 (A) This Act does not apply to a dialysis facility
10 that provides only dialysis training, support, and
11 related services to individuals with end stage renal
12 disease who have elected to receive home dialysis.

13 (B) This Act does not apply to a dialysis unit
14 located in a licensed nursing home that offers or
15 provides dialysis-related services to residents with
16 end stage renal disease who have elected to receive
17 home dialysis within the nursing home.

18 (C) The Board, however, may require dialysis
19 facilities and licensed nursing homes under items (A)
20 and (B) of this subsection to report statistical
21 information on a quarterly basis to the Board to be
22 used by the Board to conduct analyses on the need for
23 proposed kidney disease treatment centers.

24 (6) An institution, place, building, or room used for
25 the performance of outpatient surgical procedures that is
26 leased, owned, or operated by or on behalf of an

1 out-of-state facility.

2 (7) An institution, place, building, or room used for
3 provision of a health care category of service, including,
4 but not limited to, cardiac catheterization and open heart
5 surgery.

6 (8) An institution, place, building, or room housing
7 major medical equipment used in the direct clinical
8 diagnosis or treatment of patients, and whose project cost
9 is in excess of the capital expenditure minimum.

10 (9) A health care system.

11 "Health care facilities" does not include the following
12 entities or facility transactions:

13 (1) Federally-owned facilities.

14 (2) Facilities used solely for healing by prayer or
15 spiritual means.

16 (3) An existing facility located on any campus
17 facility as defined in Section 5-5.8b of the Illinois
18 Public Aid Code, provided that the campus facility
19 encompasses 30 or more contiguous acres and that the new
20 or renovated facility is intended for use by a licensed
21 residential facility.

22 (4) Facilities licensed under the Supportive
23 Residences Licensing Act or the Assisted Living and Shared
24 Housing Act.

25 (5) Facilities designated as supportive living
26 facilities that are in good standing with the program

1 established under Section 5-5.01a of the Illinois Public
2 Aid Code.

3 (6) Facilities established and operating under the
4 Alternative Health Care Delivery Act as a children's
5 community-based health care center alternative health care
6 model demonstration program or as an Alzheimer's Disease
7 Management Center alternative health care model
8 demonstration program.

9 (7) The closure of an entity or a portion of an entity
10 licensed under the Nursing Home Care Act, the Specialized
11 Mental Health Rehabilitation Act of 2013, the ID/DD
12 Community Care Act, or the MC/DD Act, with the exception
13 of facilities operated by a county or Illinois Veterans
14 Homes, that elect to convert, in whole or in part, to an
15 assisted living or shared housing establishment licensed
16 under the Assisted Living and Shared Housing Act and with
17 the exception of a facility licensed under the Specialized
18 Mental Health Rehabilitation Act of 2013 in connection
19 with a proposal to close a facility and re-establish the
20 facility in another location.

21 (8) Any change of ownership of a health care facility
22 that is licensed under the Nursing Home Care Act, the
23 Specialized Mental Health Rehabilitation Act of 2013, the
24 ID/DD Community Care Act, or the MC/DD Act, with the
25 exception of facilities operated by a county or Illinois
26 Veterans Homes. Changes of ownership of facilities

1 licensed under the Nursing Home Care Act must meet the
2 requirements set forth in Sections 3-101 through 3-119 of
3 the Nursing Home Care Act.

4 (9) (Blank).

5 With the exception of those health care facilities
6 specifically included in this Section, nothing in this Act
7 shall be intended to include facilities operated as a part of
8 the practice of a physician or other licensed health care
9 professional, whether practicing in his individual capacity or
10 within the legal structure of any partnership, medical or
11 professional corporation, or unincorporated medical or
12 professional group. Further, this Act shall not apply to
13 physicians or other licensed health care professional's
14 practices where such practices are carried out in a portion of
15 a health care facility under contract with such health care
16 facility by a physician or by other licensed health care
17 professionals, whether practicing in his individual capacity
18 or within the legal structure of any partnership, medical or
19 professional corporation, or unincorporated medical or
20 professional groups, unless the entity constructs, modifies,
21 or establishes a health care facility as specifically defined
22 in this Section. This Act shall apply to construction or
23 modification and to establishment by such health care facility
24 of such contracted portion which is subject to facility
25 licensing requirements, irrespective of the party responsible
26 for such action or attendant financial obligation.

1 "Person" means any one or more natural persons, legal
2 entities, governmental bodies other than federal, or any
3 combination thereof.

4 "Consumer" means any person other than a person (a) whose
5 major occupation currently involves or whose official capacity
6 within the last 12 months has involved the providing,
7 administering or financing of any type of health care
8 facility, (b) who is engaged in health research or the
9 teaching of health, (c) who has a material financial interest
10 in any activity which involves the providing, administering or
11 financing of any type of health care facility, or (d) who is or
12 ever has been a member of the immediate family of the person
13 defined by item (a), (b), or (c).

14 "State Board" or "Board" means the Health Facilities and
15 Services Review Board.

16 "Construction or modification" means the establishment,
17 erection, building, alteration, reconstruction,
18 modernization, improvement, extension, discontinuation,
19 change of ownership, of or by a health care facility, or the
20 purchase or acquisition by or through a health care facility
21 of equipment or service for diagnostic or therapeutic purposes
22 or for facility administration or operation, or any capital
23 expenditure made by or on behalf of a health care facility
24 which exceeds the capital expenditure minimum. Any health care
25 provider that obtains a certificate of need from the State
26 Board for a project that involves a hospital, ambulatory

1 surgical treatment center, birth center, end-stage renal
2 disease facility, or long-term care facility shall be
3 considered a health care system if it owns or operates 2 or
4 more of those licensed facilities and any capital expenditure
5 at or above the capital expenditure threshold is by or on
6 behalf of that health care system and requires a determination
7 of reviewability by the State Board. However, ~~however,~~ any
8 capital expenditure made by or on behalf of a health care
9 facility for (i) the construction or modification of a
10 facility licensed under the Assisted Living and Shared Housing
11 Act or (ii) a conversion project undertaken in accordance with
12 Section 30 of the Older Adult Services Act shall be excluded
13 from any obligations under this Act.

14 "Establish" means the construction of a health care
15 facility or the replacement of an existing facility on another
16 site or the initiation of a category of service.

17 "Major medical equipment" means medical equipment which is
18 used for the provision of medical and other health services
19 and which costs in excess of the capital expenditure minimum,
20 except that such term does not include medical equipment
21 acquired by or on behalf of a clinical laboratory to provide
22 clinical laboratory services if the clinical laboratory is
23 independent of a physician's office and a hospital and it has
24 been determined under Title XVIII of the Social Security Act
25 to meet the requirements of paragraphs (10) and (11) of
26 Section 1861(s) of such Act. In determining whether medical

1 equipment has a value in excess of the capital expenditure
2 minimum, the value of studies, surveys, designs, plans,
3 working drawings, specifications, and other activities
4 essential to the acquisition of such equipment shall be
5 included.

6 "Capital expenditure" means an expenditure: (A) made by or
7 on behalf of a health care facility (as such a facility is
8 defined in this Act); and (B) which under generally accepted
9 accounting principles is not properly chargeable as an expense
10 of operation and maintenance, or is made to obtain by lease or
11 comparable arrangement any facility or part thereof or any
12 equipment for a facility or part; and which exceeds the
13 capital expenditure minimum.

14 For the purpose of this paragraph, the cost of any
15 studies, surveys, designs, plans, working drawings,
16 specifications, and other activities essential to the
17 acquisition, improvement, expansion, or replacement of any
18 plant or equipment with respect to which an expenditure is
19 made shall be included in determining if such expenditure
20 exceeds the capital expenditures minimum. Unless otherwise
21 interdependent, or submitted as one project by the applicant,
22 components of construction or modification undertaken by means
23 of a single construction contract or financed through the
24 issuance of a single debt instrument shall not be grouped
25 together as one project. Donations of equipment or facilities
26 to a health care facility which if acquired directly by such

1 facility would be subject to review under this Act shall be
2 considered capital expenditures, and a transfer of equipment
3 or facilities for less than fair market value shall be
4 considered a capital expenditure for purposes of this Act if a
5 transfer of the equipment or facilities at fair market value
6 would be subject to review.

7 "Capital expenditure minimum" means \$11,500,000 for
8 projects by hospital applicants, \$6,500,000 for applicants for
9 projects related to skilled and intermediate care long-term
10 care facilities licensed under the Nursing Home Care Act, and
11 \$3,000,000 for projects by all other applicants, which shall
12 be annually adjusted to reflect the increase in construction
13 costs due to inflation, for major medical equipment and for
14 all other capital expenditures.

15 "Financial commitment" means the commitment of at least
16 33% of total funds assigned to cover total project cost, which
17 occurs by the actual expenditure of 33% or more of the total
18 project cost or the commitment to expend 33% or more of the
19 total project cost by signed contracts or other legal means.

20 "Non-clinical service area" means an area (i) for the
21 benefit of the patients, visitors, staff, or employees of a
22 health care facility and (ii) not directly related to the
23 diagnosis, treatment, or rehabilitation of persons receiving
24 services from the health care facility. "Non-clinical service
25 areas" include, but are not limited to, chapels; gift shops;
26 news stands; computer systems; tunnels, walkways, and

1 elevators; telephone systems; projects to comply with life
2 safety codes; educational facilities; student housing;
3 patient, employee, staff, and visitor dining areas;
4 administration and volunteer offices; modernization of
5 structural components (such as roof replacement and masonry
6 work); boiler repair or replacement; vehicle maintenance and
7 storage facilities; parking facilities; mechanical systems for
8 heating, ventilation, and air conditioning; loading docks; and
9 repair or replacement of carpeting, tile, wall coverings,
10 window coverings or treatments, or furniture. "Non-clinical
11 service area" ~~Solely for the purpose of this definition,~~
12 ~~"non-clinical service area"~~ does not include health and
13 fitness centers, areas in a patient care unit, or areas that
14 are required by Department licensing standards, including life
15 safety code regulations.

16 "Areawide" means a major area of the State delineated on a
17 geographic, demographic, and functional basis for health
18 planning and for health service and having within it one or
19 more local areas for health planning and health service. The
20 term "region", as contrasted with the term "subregion", and
21 the word "area" may be used synonymously with the term
22 "areawide".

23 "Local" means a subarea of a delineated major area that on
24 a geographic, demographic, and functional basis may be
25 considered to be part of such major area. The term "subregion"
26 may be used synonymously with the term "local".

1 "Physician" means a person licensed to practice in
2 accordance with the Medical Practice Act of 1987, as amended.

3 "Licensed health care professional" means a person
4 licensed to practice a health profession under pertinent
5 licensing statutes of the State of Illinois.

6 "Director" means the Director of the Illinois Department
7 of Public Health.

8 "Agency" or "Department" means the Illinois Department of
9 Public Health.

10 "Alternative health care model" means a facility or
11 program authorized under the Alternative Health Care Delivery
12 Act.

13 "Out-of-state facility" means a person that is both (i)
14 licensed as a hospital or as an ambulatory surgery center
15 under the laws of another state or that qualifies as a hospital
16 or an ambulatory surgery center under regulations adopted
17 pursuant to the Social Security Act and (ii) not licensed
18 under the Ambulatory Surgical Treatment Center Act, the
19 Hospital Licensing Act, or the Nursing Home Care Act.
20 Affiliates of out-of-state facilities shall be considered
21 out-of-state facilities. Affiliates of Illinois licensed
22 health care facilities 100% owned by an Illinois licensed
23 health care facility, its parent, or Illinois physicians
24 licensed to practice medicine in all its branches shall not be
25 considered out-of-state facilities. Nothing in this definition
26 shall be construed to include an office or any part of an

1 office of a physician licensed to practice medicine in all its
2 branches in Illinois that is not required to be licensed under
3 the Ambulatory Surgical Treatment Center Act.

4 "Change of ownership of a health care facility" means a
5 change in the person who has ownership or control of a health
6 care facility's physical plant and capital assets. A change in
7 ownership is indicated by the following transactions: sale,
8 transfer, acquisition, lease, change of sponsorship, or other
9 means of transferring control.

10 "Related person" means any person that: (i) is at least
11 50% owned, directly or indirectly, by either the health care
12 facility or a person owning, directly or indirectly, at least
13 50% of the health care facility; or (ii) owns, directly or
14 indirectly, at least 50% of the health care facility.

15 "Charity care" means care provided by a health care
16 facility for which the provider does not expect to receive
17 payment from the patient or a third-party payer.

18 "Freestanding emergency center" means a facility subject
19 to licensure under Section 32.5 of the Emergency Medical
20 Services (EMS) Systems Act.

21 "Category of service" means a grouping by generic class of
22 various types or levels of support functions, equipment, care,
23 or treatment provided to patients or residents, including, but
24 not limited to, classes such as medical-surgical, pediatrics,
25 or cardiac catheterization. A category of service may include
26 subcategories or levels of care that identify a particular

1 degree or type of care within the category of service. Nothing
2 in this definition shall be construed to include the practice
3 of a physician or other licensed health care professional
4 while functioning in an office providing for the care,
5 diagnosis, or treatment of patients. A category of service
6 that is subject to the Board's jurisdiction must be designated
7 in rules adopted by the Board.

8 "State Board Staff Report" means the document that sets
9 forth the review and findings of the State Board staff, as
10 prescribed by the State Board, regarding applications subject
11 to Board jurisdiction.

12 "Health care clinic" means a health care facility that
13 provides services for routine medical and preventive care,
14 including, but not be limited to, primary care, inpatient
15 mental health, or inpatient addiction treatment.

16 "Health care provider" includes, but is not limited to, a
17 hospital, long-term care facility, health care clinic,
18 end-stage renal dialysis facility, ambulatory surgical
19 treatment center, freestanding emergency center, or birth
20 center.

21 "Health care system" means an organization that delivers
22 health care services to meet the health needs of a target
23 population. "Health care system" includes health care
24 providers that are affiliated through shared governance,
25 direct ownership, contractual relationships, or otherwise
26 determined to be related persons. "Health care system" also

1 includes a health care provider that receives a certificate of
2 need permit for 2 or more categories of service or owns or
3 operates 2 or more facilities that are licensed by the
4 Hospital Licensing Act, the Ambulatory Surgical Treatment
5 Center Act, the Nursing Home Care Act, the ID/DD Community
6 Care Act, the MC/DD Act, the Specialized Mental Health
7 Rehabilitation Act of 2013, or the Birth Center Licensing Act.

8 "Patient care unit" means a physically identifiable and
9 organized unit in a clearly defined administrative and
10 geographic area that meets applicable standards of service in
11 which nursing care and therapeutic services are provided on a
12 continuous basis and to which specific nursing and support
13 staff are assigned.

14 (Source: P.A. 100-518, eff. 6-1-18; 100-581, eff. 3-12-18;
15 100-957, eff. 8-19-18; 101-81, eff. 7-12-19; 101-650, eff.
16 7-7-20.)".