**Section 250.2442 Fees**

a) *Before commencing construction of new facilities or specified types of alteration or additions to an existing hospital involving major construction* *with an estimated cost greater than $100,000*, *architectural plans and specifications therefor shall be submitted to the Department* *for review and approval. A hospital may submit architectural drawings and specifications for other construction projects for Department review according to subsection (b) that shall not be subject to fees under subsection (d). Review of drawings and specifications shall be conducted by an employee of the Department meeting the qualifications established by the Department of Central Management Services class specifications for such an individual's position or by a person contracting with the Department who meets those class specifications. Final approval of the plans and specifications for compliance with design and construction standards shall be obtained from the Department before the alteration, addition, or new construction is begun*. (Section 8(a) of the Act) For the purposes of this Section, "major construction" means changes that affect the structural integrity of the building, that change functional operations, that affect fire and life safety, and that add beds or facilities over those for which the hospital is licensed.

b) *The Department shall inform an applicant in writing within 10 working days after receiving drawings and specifications and the required fee, if any, from the applicant whether the applicant's submission is complete or incomplete. Failure to provide the applicant with this notice within 10 working days shall result in the submission being deemed complete for purposes of initiating the 60 day review period under this Section. If the submission is incomplete, the Department shall inform the applicant of the deficiencies with the submission in writing. If the submission is complete and the required fee, if any, has been paid, the Department shall approve or disapprove drawings and specifications submitted to the Department no later than 60 days following receipt by the Department. The drawings and specifications shall be of sufficient detail to enable the Department to render a determination of compliance with design and construction standards under the Act. If the Department finds that the drawings are not of sufficient detail for it to render a determination of compliance, the plans shall be determined to be incomplete and shall not be considered for purposes of initiating the 60* *day review period. If a submission of drawings and specifications is incomplete, the applicant may submit additional information. The 60* *day review period shall not commence until the Department determines that a submission of drawings and specifications is complete or the submission is deemed complete. If the Department has not approved or disapproved the drawings and specifications within 60* *days, the construction, major alteration, or addition shall be deemed approved. If the drawings and specifications are disapproved, the Department shall state in writing, with specificity, the reasons for the disapproval. The entity submitting the drawings and specifications may submit additional information in response to the written comments from the Department or request a reconsideration of the disapproval. A final decision of approval or disapproval shall be made within 45* *days* after *the receipt of the additional information or reconsideration request. If denied, the Department shall state the specific reasons for the denial.* The applicant may elect to seek informal dispute resolution through the Department's Advisory Committee (see Section 250.2443). If the issue is not resolved, *the applicant may elect to seek dispute resolution pursuant to Section 25 of the Illinois Building Commission Act* [20 ILCS 3918/28], in *which the Department must participate.* (Section 8(b) of the Act)

c) *The Department shall provide written approval for occupancy pursuant to* Section 8(g) of the Act *and shall not issue a violation to a facility as a result of a licensure or complaint survey based upon the facility's physical structure if:*

1) *The Department reviewed and approved or deemed approved the drawings and specifications for compliance with design and construction standards;*

2) The construction, major alteration, or addition was built as submitted;

3) *The* Act or this Part *has not been amended since the original approval;* *and*

4) *The conditions at the facility indicate that there is a reasonable degree of safety provided for the patients*. (Section 8(c) of the Act)

d) *The Department shall charge the following fees in connection with its review conducted before June 30, 2004 under this Section*:

1) If the estimated dollar value of the project is $99,999.99 or less, no fee is required.

2) If the estimated dollar value of the project is between $100,000 and $499,999.99, no fee is required.

3) If the estimated dollar value of the project is between $500,000 and $999,999.99 the fee shall be the greater of $6,000 or 0.96% of that value.

4) If the estimated dollar value of the project is between $1,000,000 and $4,999,999.99 the fee shall be the greater of $9,600 or 0.22% of that value.

5) If the estimated dollar value of the project is $5,000,000 or more, the fee shall be the greater of $11,000 or 0.11% of that value, but shall not exceed $40,000.

6) *The fees provided in this subsection shall not apply to major* *construction projects involving facility changes that are required by Department rule amendments* or to projects deemed by the Department to be related to homeland security. (Section 8(d) of the Act)

e) *The fees provided in this* Section *shall also not apply to* *major construction projects if 51% or more of the estimated cost of the project is attributed to capital equipment. For major construction projects where 51% or more of the estimated cost of the project is attributed to capital equipment, the Department shall* have the cost of the capital equipment in the project reduced by 20% in the fee calculation line for capital equipment. (Section 8(d) of the Act)

f) *Disproportionate share hospitals and rural hospitals shall pay only one-half of the fees required in this Section. For the purposes of this subsection, "disproportionate share hospitals" means a hospital described in items (1) through (5) of subsection (b) of Section 5-5.02 of the Illinois Public Aid Code. "Rural hospital" means a hospital that is located outside a metropolitan statistical area or located 15 miles or less from a county that is outside a metropolitan statistical area and is licensed to perform medical/surgical or obstetrical services and has a combined total bed capacity of 75 or fewer beds in these 2 service categories as of July 14, 1993, as determined by the Department*. (Section 8(d) of the Act)

g) *The Department shall not commence the facility plan review process under this Section until the applicable fee has been paid*. (Section 8(d) of the Act)

h) *All fees received by the Department under this Section shall be deposited into the Health Facility Plan Review Fund,* and *shall be used* *only to cover the direct and reasonable costs relating to the Department's review of hospital projects under this Section*. (Section 8(e) of the Act)

(Source: Added at 27 Ill. Reg. 6579, effective April 15, 2004)