**Section 380.710 Application Process and Requirements for a Provisional License**

a) *A provisional license shall be valid upon fulfilling the requirements established by the Department* in this Part. *The license shall remain valid as long as a facility remains in compliance with the licensure provisions established in* this Part. (Section 4-105 of the Act)

b) *Provisional licenses issued upon initial licensure as a specialized mental health rehabilitation facility shall expire at the end of a 3-year period, which commences on the date the provisional license is issued. Issuance of a provisional license for any reason other than initial licensure (including, but not limited to, change of ownership, location, number of beds, or services) shall not extend the maximum 3-year period, at the end of which a facility must be licensed pursuant to* the Act and this Part. (Section 4-105 of the Act)

c) *Notwithstanding any other provision of* the *Act* or this Part *to the contrary, if a facility has received notice from the Department that its application for provisional licensure to provide recovery and rehabilitation services has been accepted as complete and the facility has attested in writing to the Department that it will comply with the staff training plan approved by* DHS-DMH*, then a provisional license for recovery and rehabilitation services* will *be issued to the facility within 60 days after the Department determines that the facility is in compliance with the requirements of* Chapter 33 of NFPA 101 *in accordance with Section 4-104.5 of* the *Act*. (Section 4-105 of the Act)

d) When an application for a provisional license and certification of any of the four programs identified in the Act and in Subpart B is submitted pursuant to this Part, the Department will notify the applicant in writing within 30 days after receipt of the application as to whether the application is complete and accepted for filing, or whether the application is incomplete, and what specific information or documentation is required to complete the application.

e) If the applicant fails to respond within 30 days after being notified that the Department needs additional information or documentation, the applicant shall be considered to have withdrawn the application. Any applicant considered to have withdrawn an application may reapply by submitting a new application.

f) The Department shall notify an applicant in writing, within 60 days following the acceptance of an application, of the Department's decision to approve or deny the application.

g) If the Department fails to notify an applicant by the end of the 60-day time period, the applicant may request, in writing, a review by the Director. The written request shall include:

1) An identification of the applicant;

2) The date the application was submitted;

3) A copy of any correspondence between the Department and the applicant regarding the application; and

4) Any other information the applicant wishes to submit regarding the timeliness of the Department's consideration of the application.

h) The Department shall notify an applicant immediately upon denial of any application for provisional licensure. The notice shall be in writing and shall include:

1) A clear and concise statement of the basis of the denial. The statement shall include a citation to the provisions of the Act and this Part under which the application is being denied.

2) A notice of the opportunity for a hearing. If the applicant desires to contest the denial of a license, it shall provide written notice to the Department of a request for a hearing within 10 days after receipt of the notice of denial. The hearing will be conducted pursuant to Sections 3-704 through 3-712 of the Nursing Home Care Act.

i) Requirements for Provisional Licensure

1) DHS-DMH will advise the applicants of the training that shall be completed prior to the issuance of the provisional license. Limited trainings may be conducted over a three-month period following the issuance of the provisional license.

2) All staff shall be hired in accordance with the requirements for each level of service prior to the beginning of clinical operations for the respective levels of service after the issuance of the provisional license.

3) Crisis stabilization, transitional living units and recovery and rehabilitation supports units shall comply with the physical plant standards in Subpart E within three years after the date they are issued their provisional licenses by the Department. Triage centers shall comply with all physical plant standards prior to the beginning of clinical operations, after the issuance of a provisional license.

(Source: Amended at 43 Ill. Reg. 1651, effective January 18, 2019)