**Section 390.110 General Requirements**

a) This Part applies to the operator/licensee of facilities, or distinct parts of facilities that are licensed and classified to provide nursing care to persons pursuant to the terms and conditions of the MC/DD Act.

b) The license issued to each operator/licensee shall designate the licensee's name, the facility name and address, the classification by level of service authorized for that facility, the number of beds authorized for each level, the date the license was issued, and the expiration date. Licenses shall be issued for a period of *not less than 6 months nor more than 18 months for facilities with annual licenses and not less than 18 months nor more than 30 months for facilities with 2-year licenses*. The Department will set the period of the license based on the license expiration dates of the facilities in the geographical area surrounding the facility *in order to distribute the expiration dates* as evenly as possible *throughout the calendar year*. (Section 3-110 of the Act)

c) An applicant may request that the license issued by the Department have distinct parts classified according to levels of services. The distinct part shall meet the applicable physical plant standards of this Part based on a level of service classification sought for that distinct part. The facility shall comply with additional physical plant standards pursuant to local or regional codes that are necessary, in any distinct part, to protect the health, welfare, and safety of residents as required by the highest level of care offered by the facility. Administrative, supervisory, and other personnel may be shared by the entire facility to meet the health, welfare, and safety needs of the residents of the facility.

d) *A facility shall admit only that number of residents for which it is licensed.* (See Section 2-209 of the Act)

e) *No person shall:*

1) *Willfully file any false, incomplete or intentionally misleading information required to be filed under* the Act, *or willfully fail or refuse to file any required information;*

2) *Open or operate a facility without a license* (Section 3-318(a) of the Act)

f) *A violation of* subsection (e) *is a business offense, punishable by a fine not to exceed $10,000, except as otherwise provided in subsection (2) of Section 3-103* of the Act and Section 390.120(c) *as to submission of false or misleading information in a license application.*  (Section 3-318(b) of the Act)

g) A facility shall not use in its title or description "Hospital," "Sanitarium," "Sanatorium," or any other word or description in its title or advertisements that indicates that a type of service is provided by the facility for which the facility is not licensed to provide or does not provide. A facility may use in its title or advertisement the words or description: "Nursing Home," "Intermediate Care," or "Skilled Nursing Facility".

h) *Any person establishing, constructing, or modifying a health care facility or portion thereof without obtaining a required permit* from the Health Facilities and Services Review Board, *or in violation of the terms of the required permit, shall not be eligible to apply for any necessary operating licenses or be eligible for payment by any State agency for services rendered in that facility until the required permit is obtained.* (Section 13.1 of the Illinois Health Facilities Planning Act)

i) *Any owner of a facility licensed under* *this* *Act* and this Part *shall give 90 days' notice prior to voluntarily closing a facility or closing any part of a facility, or prior to closing any part of a facility if closing such part will require the transfer or discharge of more than 10% of the residents. Such notice shall be given to the Department, to any resident who must be transferred or discharged, to the resident's representative, and to a member of the resident's family, where practicable. Notice shall state the proposed date of closing and the reason for closing. The facility shall offer to assist the resident in securing an alternative placement and shall advise the resident on available alternatives. Where the resident is unable to choose an alternate placement and is not under guardianship, the Department shall be notified of the need for relocation assistance. The facility shall comply with all applicable laws and regulations until the date of closing, including those related to transfer or discharge of residents. The Department may place a relocation team in the facility as provided under Section 3-419* of the Act and Section 390.3300*.* (Section 3-423 of the Act)

j) The facility *may not refer a* resident *or the family of a* resident *to* ahome health agency, home services agency, or home nursing agency *unless the agency is licensed under the* Home Health, Home Services, and Home Nursing Agency Licensing Act. If the status of an agency's license is unknown, the facility shall request a copy of the agency's license prior to making a referral to that agency. (Section 3.8 of the Home Health, Home Services, and Home Nursing Agency Licensing Act)

k) Each facility shall notify the Department electronically at DPH.StrikePlan@illinois.gov within 24 hours after receiving a notice of impending strike of staff providing direct care. The facility shall submit a strike contingency plan to the Department no later than three calendar days prior to the impending strike.

l) Each facility shall have a facility-specific email address and shall provide that email address to the Department. The facility shall not change the email address without prior notice to the Department.

(Source: Amended at 46 Ill. Reg. 8192, effective May 6, 2022)