**Section 390.140 Issuance of an Initial License for a New Facility**

a) *Upon receipt and review of an application for a license and inspection of the applicant facility, the Director shall issue a probationary license if he or she finds:*

1) *That the individual applicant, or the corporation, partnership or other entity if the applicant is not an individual, is a person responsible and suitable to operate or to direct or participate in the operation of a facility by virtue of financial capacity, appropriate business or professional experience, a record of compliance with lawful orders of the Department and lack of revocation of a license during the previous five years and is not the owner of a facility designated pursuant to Section 3-304.2 of the Act and Section 390.185 as a distressed facility;*

2) *That the facility is under the supervision of an administrator who is licensed, if required, under the Nursing Home Administrators Licensing and Disciplinary Act*; *and*

3) *That the facility is in substantial compliance with the Act* and this Part*.* (Section 3-109 of the Act)

b) The Department will issue a probationary license for 120 days from the date of issuance.

c) *Within 30 days prior to the termination of a probationary license, the Department shall fully and completely inspect the facility and, if the facility meets the applicable requirements for licensure, shall issue a license under Section 3-109* of the Act. (Section 3-116 of the Act) If the facility is not in compliance and satisfactory progress toward compliance is not being made, the Department will allow the probationary license to expire.

d) *If the Department finds that the facility does not meet the requirements for licensure but has made substantial progress toward meeting those requirements, the license may be renewed once for a period not to exceed 120 days from the expiration date of the initial probationary license.* (Section 3-116 of the Act) The Department will not issue more than two consecutive probationary licenses.

e) The licensee shall qualify for issuance of a two-year license if the licensee has met the criteria contained in Section 3-110(b) of the Act for the last 24 consecutive months.

(Source: Amended at 43 Ill. Reg. 3564, effective February 26, 2019)