**Section 390.2610 Applicability of these Standards**

a) This Subpart M shall apply to all new MC/DD facilities and major alterations and additions to existing MC/DD facilities. (Major alterations are those that are not defined as minor alterations in subsection (i).) MC/DD facilities contemplating construction shall contact the Health Facilities Planning Board for information concerning the current requirements. Projects for which working drawings and specifications have received final approval by the Department prior to the promulgation of these Standards will only be required to meet those Standards that were in effect at the time that the final approval was given.

b) *Before commencing construction of a new facility or specified types of alteration or additions to an existing facility involving major construction,* as defined in subsection (a), *architectural drawings and specifications for the facility* shall comply with Section 390.2630 and *shall be submitted to the Department for review and approval. Final approval of the drawings and specifications for compliance with design and construction standards shall be obtained from the Department before the alteration, addition, or new construction is begun.* Approval will be based upon compliance with Section 390.2630. (Section 3-202.5(a) of the Act)

c) The drawings and specifications shall be submitted to the Department for review and approval prior to beginning of construction. For final approval to remain valid, contracts shall be signed within one year after the date of final approval.

1) *The Department* will *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* will *result in the submission being deemed complete for purposes of initiating the 60 day review period under this* Part.

2) *If the submission is complete and the required fee, if any, has been paid, the Department* will *approve or disapprove drawings and specifications submitted to the Department no later than 60 days following receipt by the Department.*

3) *If the drawings and specifications are disapproved, the Department* will *state in writing, with specificity, the reasons for the disapproval.* (Section 3-202.5(b) of the Act)

d) *The drawings and specifications shall be of sufficient detail,* pursuant to Section 390.2630, *to enable the Department to render a determination of compliance with design and construction standards under* the *Act. If the Department finds 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 the purposes of initiating the 60-day review period.*

1) *If a submission of drawings and specifications is incomplete, the applicant may submit additional information. A final decision of approval or disapproval* will *be made within 45 days* after *the receipt of the additional information.*

2) *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.*

3) *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* will *be made within 45 days* after *the receipt of the additional information or reconsideration request. If denied, the Department* will *state the specific reasons for the denial.* (Section 3-202.5(b) of the Act)

e) Any contract modifications that affect or change the function, design, or purpose of a facility shall be submitted to the Department for approval prior to authorizing the modifications. The approval will be based upon compliance with the requirements in this Subpart. Comments or approval will be provided within 30 days after receipt by the Department.

f) *The Department* will *conduct an on-site inspection of the completed project no later than 30 days after notification from the applicant that the project has been completed and all certifications required by the Department have been received and accepted by the Department. The Department* will *provide written approval for occupancy to the applicant within 5 working days of the Department’s final inspection, provided the applicant has demonstrated substantial compliance as defined* in subsection (l). (Section 3-202.5(g) of the Act)

g) *The Department* will *provide written approval for occupancy pursuant to* the *Act* and this Section *and* will *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) T*he 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 *have 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 residents.* (Section 3-202.5(c) of the Act)

h) Large and Complex Projects

1) The Department will review all submitted projects to determine if the project will be designated as a large and complex project.

A) Large and complex projects shall have construction schedules that require more than one year to complete.

B) A number of small independent projects grouped together under one project will not be considered a large and complex project.

2) The Department will determine, based on the scope of work being proposed, whether a submitted project will be designated as a large and complex project.

3) If a project is designated a large and complex project, the facility architect shall submit the following information for Department consideration:

A) Proposed construction schedule; and

B) Proposed interim inspection dates.

4) The Department will develop a tentative interim inspection schedule based on information provided by the facility architect and Department staff availability.

5) The Department will cancel or reschedule any interim inspection based on Department staff availability.

i) Minor alterations or remodeling changes less than $100,000 do not require a plan review fee; however, these projects are required to be reviewed and approved by the Department and must meet requirements of the Health Facilities and Services Review Board Operational Rules at 77 Ill. Adm. Code 1130.310. For the purposes of this subsection, minor alterations include:

1) Projects that do not affect the structural integrity of the building;

2) Projects that do not change functional operation;

3) Projects that do not affect fire or life safety; and

4) Projects that do not add beds or facilities beyond those for which the facility is licensed.

j) No system of water supply, plumbing, sewage, garbage or refuse disposal shall be installed, nor any existing system altered or extended until complete plans and specifications for the installation, alteration or extension have been submitted to the Department and have been reviewed and approved. Approval will be based upon compliance with Subpart L and this Subpart.

k) *Nothing in this* Section *shall be construed to apply to maintenance, upkeep, or renovation that does not affect the structural integrity of the building, does not add beds or services over the number for which the facility is licensed, and provides a reasonable degree of safety for the residents.* For the purposes of this Section, "reasonable degree of safety" means the maintenance, upkeep, or renovation does not affect fire or life safety features of the facility*.* (Section 3-202.5(j) of the Act)

l) A facility shall be deemed in substantial compliance if all life and fire safety systems and features are installed and operating in accordance with manufacturer's recommendations and all referenced standards in subsections 390.340(a)(7). All areas shall be complete and ready for their intended use and shall not pose a fire or safety hazard for the intended occupants of the facility.

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