**Section 1130.750 Alteration of Post-Permit Projects**

a) Applicability

1) Permit holders shall report all alterations to HFSRB before executing the alteration. Some proposed alterations require HFSRB approval and some are prohibited. Proposed alterations that are not cited under these two categories require only written notification to HFSRB prior to execution.

2) Any change after the permit is issued may constitute an alteration. Permit holders shall report all alterations to HFSRB before the alteration is executed.

3) The alteration requirements are applicable only to projects with open permits (approved projects that are not yet completed).

4) Alteration provisions are valid only for the projects defined and approved in the permit.

5) A project with a permit can be altered any time between the date of permit issuance and project completion.

6) All alterations requiring HFSRB action shall be reviewed and approved on a cumulative basis. More than one alteration can be reviewed and approved during the life of a project; however, the limits on alterations shall be applied cumulatively for a single permit.

b) Limits on Allowable Alterations Requiring HFSRB Approval

The cumulative effect of alterations to a project shall not exceed the following:

1) a change in the approved number of beds or stations, provided that the change would not independently require a permit or exemption from HFSRB;

2) abandonment of an approved category of service established under the permit;

3) any increase in the square footage of the project up to 5% of the approved gross square footage;

4) any decrease in square footage greater than 5% of the project;

5) any increase in the cost of the project not to exceed 7% of the total project cost. This alteration may exceed the capital expenditure minimum in place when the permit was issued, provided that it does not exceed 7% of the total project cost;

6) any increase in the amount of funds to be borrowed for those permit holders that have not documented a bond rating of "A-" or better from Fitch's or Standard and Poor's rating agencies, or A3 or better from Moody's (the rating shall be affirmed within the latest 18 month period prior to the submittal of the application).

c) Prohibited Alterations

Notwithstanding the provisions of subsection (b), the following alterations are not allowed and, if incurred, invalidate the permit:

1) an increase in the total project cost that exceeds 7% of the permit amount;

2) an increase in the project's gross square footage that exceeds 5% of the project's approved gross square footage, unless that increase is required or mandated by local, State or federal building or life safety requirements that were not in effect at the time of permit issuance;

3) any other change in the project's scope or funding that would independently require a CON permit or exemption.

d) Alteration Procedures

1) Written Notification

A) The permit holder shall notify HFSRB in writing of any alteration to a project. The notice shall include a description of the alteration and related costs (if any) and shall address all applicable review criteria related to the alteration if the alteration requires HFSRB approval. HFSRB staff shall review the alteration request for compliance with the review criteria and submit its findings to HFSRB. If additional information is needed by HFSRB staff to perform a review of the request, the permit holder shall be notified.

B) All alteration requests shall be submitted to the State Board in writing on 8½" by 11" paper.

C) All alteration requests shall be submitted within the allowable time frames established in subsection (a)(1) and shall be sent only by any recognized overnight courier or personal delivery service.

D) Alteration requests submitted by email or fax will not be accepted.

2) Compliance with 77 Ill. Adm. Code 1110 and 1120

A request for alteration reviewed by HFSRB is subject to the provisions of 77 Ill. Adm. Code 1110 and 1120 that are applicable to the individual project. The components and any other proposed alterations to a project that would, when taken as a separate component, require a permit under the Act shall not be subject to review under this Section but shall require a new application for a permit.

3) HFSRB Staff Review

HFSRB staff shall review the alteration request for compliance with the review criteria, and prepare a report of its findings for HFSRB review. HFSRB will notify the permit holder if additional information is needed to review the request.

4) Board Review and Action

A) The alteration request, HFSRB staff findings, and all related documentation shall be sent to the Chairman if:

i) staff review determines that the alteration request is in conformance with all HFSRB criteria; and

ii) this is the first alteration request for the project.

B) The Chairman, acting on behalf of HFSRB, shall approve or deny the request or refer the request to the full Board for consideration and action. Other conditions under which the alteration request shall be referred to the full Board for consideration and action are as follows:

i) the request is not in conformance with all HFSRB criteria; or

ii) the request is not the first one for an alteration concerning the project in question.

C) The number of affirmative votes required for approval of an alteration request is specified in the Act. The approval or denial of a request for alteration constitutes HFSRB's final administrative decision.

5) Inventory and Permit Amount Adjustments

Upon approving a request for alteration, HFSRB will revise the permit to reflect the alteration and shall adjust all inventories accordingly. If a permit holder reduces the scope or size of the project, the permit amount shall be reduced accordingly.

6) Notification of Decision to Applicant

HFSRB staff shall submit to the permit holder that submitted a request for an alteration a written notice of HFSRB's decision.

7) Applicable Penalties

Any alteration undertaken without prior HFSRB notice or notice and approval (when required) shall be considered a violation of the Act and/or subsection (a)(1) of this Section and shall subject the permit or exemption holder to fines, permit revocation, and the penalties and sanctions mandated in the Act (see 20 ILCS 3960/14.1) and in Section 1130.790.

(Source: Amended at 40 Ill. Reg. 14647, effective October 14, 2016)