



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4899

Introduced 2/7/2024, by Rep. Camille Y. Lilly

SYNOPSIS AS INTRODUCED:

210 ILCS 9/23 new
210 ILCS 9/135
210 ILCS 45/3-202.5
210 ILCS 46/3-202.5

Amends the Assisted Living and Shared Housing Act. Provides that, before commencing construction of a new establishment or an alteration or addition to an existing establishment, the owner or operator of the establishment shall submit architectural drawings and specifications for the construction, alteration, or addition to the Department of Public Health for review and approval. Contains requirements for submissions, review of submissions, and notice provided under the provisions. Provides fees based upon the estimated dollar value of the proposed constructions. Requires fees collected under the provisions to be deposited into the Health Facility Plan Review Fund and used by the Department to pay only the costs of conducting reviews under the provisions. Makes conforming changes in the Nursing Home Care Act and the MC/DD Community Care Act.

LRB103 37262 CES 67383 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Assisted Living and Shared Housing Act is
5 amended by adding Section 23 and by changing Section 135 as
6 follows:

7 (210 ILCS 9/23 new)

8 Sec. 23. Establishment construction; Department review;
9 fees.

10 (a) Before commencing construction of a new establishment
11 or an alteration or addition to an existing establishment, the
12 owner or operator of the establishment shall submit
13 architectural drawings and specifications for the
14 construction, alteration, or addition to the Department for
15 review and approval.

16 The Department shall provide criteria by rule for
17 determining whether a construction, alteration, or addition is
18 subject to the submission requirements of this Section. The
19 Department shall not review a submission under this Section
20 until the required fee, if any, has been paid.

21 An establishment may voluntarily submit architectural
22 drawings and specifications for a construction, alteration, or
23 addition for Department review and approval under subsection

1 (b) without being charged a fee under subsection (c).

2 Review of architectural drawings and specifications shall
3 be conducted by (i) a Department employee who meets the
4 qualifications for that employee's class specification
5 according to requirements of the Department of Central
6 Management Services or by (ii) a person under contract with
7 the Department who meets the same qualifications described
8 under (i). Final approval of the architectural drawings and
9 specifications shall be obtained from the Department before
10 the construction, alteration, or addition begins.

11 (b) Regardless of whether the submission is complete or
12 incomplete, the Department shall inform the owner or operator
13 of an establishment submitting architectural drawings and
14 specifications under subsection (a) in writing within 10
15 business days after receiving the architectural drawings and
16 specifications and the required fee, if any.

17 If the submission is incomplete, the Department shall
18 inform the owner or operator of each deficiency of the
19 submission in writing. If the Department fails to provide the
20 owner or operator with the notice within 10 working days, the
21 submission shall be deemed complete for purposes of initiating
22 the 60-calendar-day review period required under this
23 subsection.

24 If the submission is complete and the required fee, if
25 any, has been paid, the Department shall approve or disapprove
26 the architectural drawings and specifications no later than 60

1 calendar days after being received by the Department.

2 The drawings and specifications shall be of sufficient
3 detail, as determined by the Department by rule, to enable the
4 Department to render a determination of compliance with design
5 and construction standards under this Act. If the Department
6 finds that the architectural drawings and specifications are
7 not of sufficient detail to render a determination of
8 compliance, the submission shall be deemed incomplete and
9 shall not be considered for purposes of initiating the
10 60-calendar-day review period, but the applicant may submit
11 additional information to supplement the submission. The
12 60-calendar-day review period shall not commence until the
13 Department determines that the submission is complete or if
14 the submission is deemed complete. If the Department has not
15 approved or disapproved the drawings and specifications within
16 the 60-calendar-day review period, the construction,
17 alteration, or addition shall be deemed approved. If the
18 submission is disapproved, the Department shall state in
19 writing, with specificity, the reasons for the disapproval and
20 the owner or operator may submit additional information in
21 response or request a reconsideration of the disapproval. A
22 final decision of approval or disapproval shall be made by the
23 Department within 45 calendar days after receiving the
24 additional information or request for reconsideration. If
25 denied, the Department shall state the specific reasons for
26 the denial.

1 (c) Unless changed by the Department by rule under
2 subsection (e), the Department shall charge the following fees
3 for reviews conducted under this Section:

4 (1) If the estimated dollar value of the construction,
5 alteration, or addition is less than \$50,000, no fee is
6 required.

7 (2) If the estimated dollar value of the construction,
8 alteration, or addition is \$50,000 or more but less than
9 \$500,000, the fee shall be the greater of \$4,000 or 2.0% of
10 the estimated dollar value.

11 (3) If the estimated dollar value of the construction,
12 alteration, or addition is \$500,000 or more but less than
13 \$1,000,000, the fee shall be the greater of \$10,000 or
14 1.5% of the estimated dollar value.

15 (4) If the estimated dollar value of the construction,
16 alteration, or addition is \$1,000,000 or more but less
17 than \$5,000,000, the fee shall be the greater of \$13,000
18 or 0.35% of the estimated dollar value.

19 (5) If the estimated dollar value of the construction,
20 alteration, or addition is \$5,000,000 or more, the fee
21 shall be the greater of \$15,000 or 0.175% of the estimated
22 dollar value, but shall not exceed \$35,000.

23 The fees provided in this subsection shall not apply to an
24 establishment's construction, alteration, or addition if it
25 involves changes to the establishment that are required by the
26 Department by rule.

1 (d) All fees received by the Department under this Section
2 shall be deposited into the Health Facility Plan Review Fund,
3 a special fund created in the State treasury. Moneys shall be
4 appropriated from that Fund to the Department only to pay the
5 costs of conducting reviews under this Section. All fees paid
6 by assisted living establishments and shared housing
7 establishments under subsection (d) shall be used only to
8 cover the costs relating to the Department's review of
9 assisted living establishment and shared housing establishment
10 projects under this Section. None of the moneys in the Health
11 Facility Plan Review Fund shall be used to reduce the amount of
12 General Revenue Fund moneys appropriated to the Department for
13 facility plan reviews conducted under this Section.

14 (e) The Department shall review the fee structure under
15 subsection (c) 3 years after the effective date of this
16 amendatory Act of the 103rd General Assembly and every 5 years
17 thereafter and shall, by rule, increase or decrease fee
18 amounts as the Department determines to be necessary for the
19 Department to maintain its ability to review submissions under
20 this Section.

21 (f) The Department shall conduct an on-site inspection of
22 a completed construction, alteration, or addition no later
23 than 30 business days after notification from the owner or
24 operator of the establishment that the construction,
25 alteration, or addition has been completed and all
26 certifications required by the Department have been received

1 and accepted. The establishment shall not be occupied until
2 the Department provides written approval for occupancy to the
3 owner or operator within 5 business days after the
4 Department's final inspection, provided that the owner or
5 operator has substantially complied with this Section as
6 determined by the Department by rule. However, if the
7 Department has not conducted the on-site inspection within the
8 30-day period or provided the written approval within 5 days
9 thereafter, the construction, alteration, or addition shall be
10 deemed approved, the establishment may be occupied, and the
11 establishment's license shall be issued after the
12 establishment passes an on-site health inspection by the
13 Department.

14 (g) The Department shall establish a procedure, by rule,
15 to conduct voluntary interim on-site review of construction,
16 alteration, or addition projects for a fee of \$3,000 per
17 interim on-site review.

18 (h) The Department shall establish, by rule, an expedited
19 process for emergency repairs or replacement of like
20 equipment.

21 (i) Nothing in this Section shall be construed to apply to
22 emergency repair, maintenance, upkeep, or renovation that does
23 not affect the structural integrity of an establishment, does
24 not add units or services so as to be greater than the number
25 for which the establishment is licensed, and provides a
26 reasonable degree of safety for the establishment's residents.

1 (210 ILCS 9/135)

2 Sec. 135. Civil penalties.

3 (a) The Department may assess a civil penalty not to
4 exceed \$15,000 ~~\$5,000~~ against any establishment subject to
5 this Act for violations of this Act. Each day a violation
6 continues shall be deemed a separate violation.

7 (b) Beginning 180 days after the adoption of rules under
8 this Act, the Department may assess a civil penalty not to
9 exceed \$3,000 against any establishment subject to this Act
10 for caring for a resident who exceeds the care needs defined in
11 this Act. Each day a violation continues shall be deemed a
12 separate violation.

13 (c) The Department is authorized to hold hearings in
14 contested cases regarding appeals of the penalties assessed
15 pursuant to this Section.

16 (Source: P.A. 91-656, eff. 1-1-01.)

17 Section 10. The Nursing Home Care Act is amended by
18 changing Section 3-202.5 as follows:

19 (210 ILCS 45/3-202.5)

20 Sec. 3-202.5. Facility plan review; fees.

21 (a) Before commencing construction of a new facility or
22 specified types of alteration or additions to an existing long
23 term care facility involving major construction, as defined by

1 rule by the Department, with an estimated cost greater than
2 \$100,000, architectural drawings and specifications for the
3 facility shall be submitted to the Department for review and
4 approval. A facility may submit architectural drawings and
5 specifications for other construction projects for Department
6 review according to subsection (b) that shall not be subject
7 to fees under subsection (d). Review of drawings and
8 specifications shall be conducted by an employee of the
9 Department meeting the qualifications established by the
10 Department of Central Management Services class specifications
11 for such an individual's position or by a person contracting
12 with the Department who meets those class specifications.
13 Final approval of the drawings and specifications for
14 compliance with design and construction standards shall be
15 obtained from the Department before the alteration, addition,
16 or new construction is begun.

17 (b) The Department shall inform an applicant in writing
18 within 10 working days after receiving drawings and
19 specifications and the required fee, if any, from the
20 applicant whether the applicant's submission is complete or
21 incomplete. Failure to provide the applicant with this notice
22 within 10 working days shall result in the submission being
23 deemed complete for purposes of initiating the 60-day review
24 period under this Section. If the submission is incomplete,
25 the Department shall inform the applicant of the deficiencies
26 with the submission in writing. If the submission is complete

1 the required fee, if any, has been paid, the Department shall
2 approve or disapprove drawings and specifications submitted to
3 the Department no later than 60 days following receipt by the
4 Department. The drawings and specifications shall be of
5 sufficient detail, as provided by Department rule, to enable
6 the Department to render a determination of compliance with
7 design and construction standards under this Act. If the
8 Department finds that the drawings are not of sufficient
9 detail for it to render a determination of compliance, the
10 plans shall be determined to be incomplete and shall not be
11 considered for purposes of initiating the 60-day review
12 period. If a submission of drawings and specifications is
13 incomplete, the applicant may submit additional information.
14 The 60-day review period shall not commence until the
15 Department determines that a submission of drawings and
16 specifications is complete or the submission is deemed
17 complete. If the Department has not approved or disapproved
18 the drawings and specifications within 60 days, the
19 construction, major alteration, or addition shall be deemed
20 approved. If the drawings and specifications are disapproved,
21 the Department shall state in writing, with specificity, the
22 reasons for the disapproval. The entity submitting the
23 drawings and specifications may submit additional information
24 in response to the written comments from the Department or
25 request a reconsideration of the disapproval. A final decision
26 of approval or disapproval shall be made within 45 days of the

1 receipt of the additional information or reconsideration
2 request. If denied, the Department shall state the specific
3 reasons for the denial.

4 (c) The Department shall provide written approval for
5 occupancy pursuant to subsection (g) and shall not issue a
6 violation to a facility as a result of a licensure or complaint
7 survey based upon the facility's physical structure if:

8 (1) the Department reviewed and approved or deemed
9 approved the drawings and specifications for compliance
10 with design and construction standards;

11 (2) the construction, major alteration, or addition
12 was built as submitted;

13 (3) the law or rules have not been amended since the
14 original approval; and

15 (4) the conditions at the facility indicate that there
16 is a reasonable degree of safety provided for the
17 residents.

18 (d) The Department shall charge the following fees in
19 connection with its reviews conducted before June 30, 2004
20 under this Section:

21 (1) (Blank).

22 (2) (Blank).

23 (3) If the estimated dollar value of the alteration,
24 addition, or new construction is \$100,000 or more but less
25 than \$500,000, the fee shall be the greater of \$2,400 or
26 1.2% of that value.

1 (4) If the estimated dollar value of the alteration,
2 addition, or new construction is \$500,000 or more but less
3 than \$1,000,000, the fee shall be the greater of \$6,000 or
4 0.96% of that value.

5 (5) If the estimated dollar value of the alteration,
6 addition, or new construction is \$1,000,000 or more but
7 less than \$5,000,000, the fee shall be the greater of
8 \$9,600 or 0.22% of that value.

9 (6) If the estimated dollar value of the alteration,
10 addition, or new construction is \$5,000,000 or more, the
11 fee shall be the greater of \$11,000 or 0.11% of that value,
12 but shall not exceed \$40,000.

13 The fees provided in this subsection (d) shall not apply
14 to major construction projects involving facility changes that
15 are required by Department rule amendments.

16 The fees provided in this subsection (d) shall also not
17 apply to major construction projects if 51% or more of the
18 estimated cost of the project is attributed to capital
19 equipment. For major construction projects where 51% or more
20 of the estimated cost of the project is attributed to capital
21 equipment, the Department shall by rule establish a fee that
22 is reasonably related to the cost of reviewing the project.

23 The Department shall not commence the facility plan review
24 process under this Section until the applicable fee has been
25 paid.

26 (e) All fees received by the Department under this Section

1 shall be deposited into the Health Facility Plan Review Fund,
2 a special fund created in the State Treasury. All fees paid by
3 facilities licensed under this Act, under the Assisted Living
4 and Shared Housing Act, and under the MC/DD Community Care Act
5 shall be used only to cover the costs relating to the
6 Department's review of facilities licensed under this Act,
7 under the Assisted Living and Shared Housing Act, or under
8 Section 3-202.5 of the MC/DD Community Care Act. ~~All fees paid~~
9 ~~by long term care facilities under subsection (d) shall be~~
10 ~~used only to cover the costs relating to the Department's~~
11 ~~review of long term care facility projects under this Section.~~
12 Moneys shall be appropriated from that Fund to the Department
13 only to pay the costs of conducting reviews under this Section
14 or under Section 3-202.5 of the ID/DD Community Care Act or
15 Section 3-202.5 of the MC/DD Act. None of the moneys in the
16 Health Facility Plan Review Fund shall be used to reduce the
17 amount of General Revenue Fund moneys appropriated to the
18 Department for facility plan reviews conducted pursuant to
19 this Section.

20 (f)(1) The provisions of this amendatory Act of 1997
21 concerning drawings and specifications shall apply only to
22 drawings and specifications submitted to the Department on or
23 after October 1, 1997.

24 (2) On and after the effective date of this amendatory Act
25 of 1997 and before October 1, 1997, an applicant may submit or
26 resubmit drawings and specifications to the Department and pay

1 the fees provided in subsection (d). If an applicant pays the
2 fees provided in subsection (d) under this paragraph (2), the
3 provisions of subsection (b) shall apply with regard to those
4 drawings and specifications.

5 (g) The Department shall conduct an on-site inspection of
6 the completed project no later than 30 days after notification
7 from the applicant that the project has been completed and all
8 certifications required by the Department have been received
9 and accepted by the Department, except that, during a
10 statewide public health emergency, as defined in the Illinois
11 Emergency Management Agency Act, the Department shall conduct
12 an on-site inspection of the completed project to the extent
13 feasible. The Department shall provide written approval for
14 occupancy to the applicant within 5 working days of the
15 Department's final inspection, provided the applicant has
16 demonstrated substantial compliance as defined by Department
17 rule. Occupancy of new major construction is prohibited until
18 Department approval is received, unless the Department has not
19 acted within the time frames provided in this subsection (g),
20 in which case the construction shall be deemed approved.
21 Occupancy shall be authorized after any required health
22 inspection by the Department has been conducted.

23 (h) The Department shall establish, by rule, a procedure
24 to conduct interim on-site review of large or complex
25 construction projects.

26 (i) The Department shall establish, by rule, an expedited

1 process for emergency repairs or replacement of like
2 equipment.

3 (j) Nothing in this Section shall be construed to apply to
4 maintenance, upkeep, or renovation that does not affect the
5 structural integrity of the building, does not add beds or
6 services over the number for which the long-term care facility
7 is licensed, and provides a reasonable degree of safety for
8 the residents.

9 (Source: P.A. 103-1, eff. 4-27-23.)

10 Section 15. The MC/DD Act is amended by changing Section
11 3-202.5 as follows:

12 (210 ILCS 46/3-202.5)

13 Sec. 3-202.5. Facility plan review; fees.

14 (a) Before commencing construction of a new facility or
15 specified types of alteration or additions to an existing
16 facility involving major construction, as defined by rule by
17 the Department, with an estimated cost greater than \$100,000,
18 architectural drawings and specifications for the facility
19 shall be submitted to the Department for review and approval.
20 A facility may submit architectural drawings and
21 specifications for other construction projects for Department
22 review according to subsection (b) that shall not be subject
23 to fees under subsection (d). Review of drawings and
24 specifications shall be conducted by an employee of the

1 Department meeting the qualifications established by the
2 Department of Central Management Services class specifications
3 for such an individual's position or by a person contracting
4 with the Department who meets those class specifications.
5 Final approval of the drawings and specifications for
6 compliance with design and construction standards shall be
7 obtained from the Department before the alteration, addition,
8 or new construction is begun.

9 (b) The Department shall inform an applicant in writing
10 within 10 working days after receiving drawings and
11 specifications and the required fee, if any, from the
12 applicant whether the applicant's submission is complete or
13 incomplete. Failure to provide the applicant with this notice
14 within 10 working days shall result in the submission being
15 deemed complete for purposes of initiating the 60-day review
16 period under this Section. If the submission is incomplete,
17 the Department shall inform the applicant of the deficiencies
18 with the submission in writing. If the submission is complete
19 the required fee, if any, has been paid, the Department shall
20 approve or disapprove drawings and specifications submitted to
21 the Department no later than 60 days following receipt by the
22 Department. The drawings and specifications shall be of
23 sufficient detail, as provided by Department rule, to enable
24 the Department to render a determination of compliance with
25 design and construction standards under this Act. If the
26 Department finds that the drawings are not of sufficient

1 detail for it to render a determination of compliance, the
2 plans shall be determined to be incomplete and shall not be
3 considered for purposes of initiating the 60 day review
4 period. If a submission of drawings and specifications is
5 incomplete, the applicant may submit additional information.
6 The 60 day review period shall not commence until the
7 Department determines that a submission of drawings and
8 specifications is complete or the submission is deemed
9 complete. If the Department has not approved or disapproved
10 the drawings and specifications within 60 days, the
11 construction, major alteration, or addition shall be deemed
12 approved. If the drawings and specifications are disapproved,
13 the Department shall state in writing, with specificity, the
14 reasons for the disapproval. The entity submitting the
15 drawings and specifications may submit additional information
16 in response to the written comments from the Department or
17 request a reconsideration of the disapproval. A final decision
18 of approval or disapproval shall be made within 45 days of the
19 receipt of the additional information or reconsideration
20 request. If denied, the Department shall state the specific
21 reasons for the denial.

22 (c) The Department shall provide written approval for
23 occupancy pursuant to subsection (g) and shall not issue a
24 violation to a facility as a result of a licensure or complaint
25 survey based upon the facility's physical structure if:

26 (1) the Department reviewed and approved or deemed

1 approved the drawings and specifications for compliance
2 with design and construction standards;

3 (2) the construction, major alteration, or addition
4 was built as submitted;

5 (3) the law or rules have not been amended since the
6 original approval; and

7 (4) the conditions at the facility indicate that there
8 is a reasonable degree of safety provided for the
9 residents.

10 (d) (Blank).

11 (e) All fees received by the Department under this Section
12 shall be deposited into the Health Facility Plan Review Fund,
13 a special fund created in the State Treasury. Moneys shall be
14 appropriated from that Fund to the Department only to pay the
15 costs of conducting reviews under this Section, under Section
16 3-202.5 of the Nursing Home Care Act, or under Section 3-202.5
17 of the MC/DD ~~ID/DD~~ Community Care Act. All fees paid by
18 establishments licensed under this Act, under the Assisted
19 Living and Shared Housing Act, and under the Nursing Home Care
20 Act shall be used only to cover the costs relating to the
21 Department's review of facilities licensed under this Act,
22 under the Assisted Living and Shared Housing Act, or under
23 Section 3-202.5 of the Nursing Home Care Act. None of the
24 moneys in the Health Facility Plan Review Fund shall be used to
25 reduce the amount of General Revenue Fund moneys appropriated
26 to the Department for facility plan reviews conducted pursuant

1 to this Section.

2 (f) (Blank).

3 (g) The Department shall conduct an on site inspection of
4 the completed project no later than 30 days after notification
5 from the applicant that the project has been completed and all
6 certifications required by the Department have been received
7 and accepted by the Department, except that, during a
8 statewide public health emergency, as defined in the Illinois
9 Emergency Management Agency Act, the Department shall conduct
10 an on-site inspection to the extent feasible. The Department
11 shall provide written approval for occupancy to the applicant
12 within 5 working days of the Department's final inspection,
13 provided the applicant has demonstrated substantial compliance
14 as defined by Department rule. Occupancy of new major
15 construction is prohibited until Department approval is
16 received, unless the Department has not acted within the time
17 frames provided in this subsection (g), in which case the
18 construction shall be deemed approved. Occupancy shall be
19 authorized after any required health inspection by the
20 Department has been conducted.

21 (h) The Department shall establish, by rule, a procedure
22 to conduct interim on site review of large or complex
23 construction projects.

24 (i) The Department shall establish, by rule, an expedited
25 process for emergency repairs or replacement of like
26 equipment.

1 (j) Nothing in this Section shall be construed to apply to
2 maintenance, upkeep, or renovation that does not affect the
3 structural integrity of the building, does not add beds or
4 services over the number for which the facility is licensed,
5 and provides a reasonable degree of safety for the residents.

6 (Source: P.A. 103-1, eff. 4-27-23.)