



**Adopted in House Comm. on May 02, 2006**

09400SB2436ham001

LRB094 17968 DRJ 58626 a

1 AMENDMENT TO SENATE BILL 2436

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2436 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Health Facilities Planning Act is  
5 amended by changing Sections 12, 13, and 19.6 as follows:

6 (20 ILCS 3960/12) (from Ch. 111 1/2, par. 1162)  
7 (Section scheduled to be repealed on July 1, 2006)

8 Sec. 12. Powers and duties of State Board. For purposes of  
9 this Act, the State Board shall exercise the following powers  
10 and duties:

11 (1) Prescribe rules, regulations, standards, criteria,  
12 procedures or reviews which may vary according to the purpose  
13 for which a particular review is being conducted or the type of  
14 project reviewed and which are required to carry out the  
15 provisions and purposes of this Act.

16 (2) Adopt procedures for public notice and hearing on all  
17 proposed rules, regulations, standards, criteria, and plans  
18 required to carry out the provisions of this Act.

19 (3) Prescribe criteria for recognition for areawide health  
20 planning organizations, including, but not limited to,  
21 standards for evaluating the scientific bases for judgments on  
22 need and procedure for making these determinations.

23 (4) Develop criteria and standards for health care  
24 facilities planning, conduct statewide inventories of health

1 care facilities, maintain an updated inventory on the  
2 Department's web site reflecting the most recent bed and  
3 service changes and updated need determinations when new census  
4 data become available or new need formulae are adopted, and  
5 develop health care facility plans which shall be utilized in  
6 the review of applications for permit under this Act. Such  
7 health facility plans shall be coordinated by the Agency with  
8 the health care facility plans areawide health planning  
9 organizations and with other pertinent State Plans.  
10 Inventories pursuant to this Section of skilled or intermediate  
11 care facilities licensed under the Nursing Home Care Act or  
12 nursing homes licensed under the Hospital Licensing Act shall  
13 be conducted on an annual basis no later than July 1 of each  
14 year and shall include among the information requested a list  
15 of all services provided by a facility to its residents and to  
16 the community at large and differentiate between active and  
17 inactive beds.

18 In developing health care facility plans, the State Board  
19 shall consider, but shall not be limited to, the following:

20 (a) The size, composition and growth of the population  
21 of the area to be served;

22 (b) The number of existing and planned facilities  
23 offering similar programs;

24 (c) The extent of utilization of existing facilities;

25 (d) The availability of facilities which may serve as  
26 alternatives or substitutes;

27 (e) The availability of personnel necessary to the  
28 operation of the facility;

29 (f) Multi-institutional planning and the establishment  
30 of multi-institutional systems where feasible;

31 (g) The financial and economic feasibility of proposed  
32 construction or modification; and

33 (h) In the case of health care facilities established  
34 by a religious body or denomination, the needs of the

1 members of such religious body or denomination may be  
2 considered to be public need.

3 The health care facility plans which are developed and  
4 adopted in accordance with this Section shall form the basis  
5 for the plan of the State to deal most effectively with  
6 statewide health needs in regard to health care facilities.

7 (5) Coordinate with other state agencies having  
8 responsibilities affecting health care facilities, including  
9 those of licensure and cost reporting.

10 (6) Solicit, accept, hold and administer on behalf of the  
11 State any grants or bequests of money, securities or property  
12 for use by the State Board or recognized areawide health  
13 planning organizations in the administration of this Act; and  
14 enter into contracts consistent with the appropriations for  
15 purposes enumerated in this Act.

16 (7) The State Board shall prescribe, in consultation with  
17 the recognized areawide health planning organizations,  
18 procedures for review, standards, and criteria which shall be  
19 utilized to make periodic areawide reviews and determinations  
20 of the appropriateness of any existing health services being  
21 rendered by health care facilities subject to the Act. The  
22 State Board shall consider recommendations of the areawide  
23 health planning organization and the Agency in making its  
24 determinations.

25 (8) Prescribe, in consultation with the recognized  
26 areawide health planning organizations, rules, regulations,  
27 standards, and criteria for the conduct of an expeditious  
28 review of applications for permits for projects of construction  
29 or modification of a health care facility, which projects are  
30 non-substantive in nature. Such rules shall not abridge the  
31 right of areawide health planning organizations to make  
32 recommendations on the classification and approval of  
33 projects, nor shall such rules prevent the conduct of a public  
34 hearing upon the timely request of an interested party. Such

1 reviews shall not exceed 60 days from the date the application  
2 is declared to be complete by the Agency.

3 (9) Prescribe rules, regulations, standards, and criteria  
4 pertaining to the granting of permits for construction and  
5 modifications which are emergent in nature and must be  
6 undertaken immediately to prevent or correct structural  
7 deficiencies or hazardous conditions that may harm or injure  
8 persons using the facility, as defined in the rules and  
9 regulations of the State Board. This procedure is exempt from  
10 public hearing requirements of this Act.

11 (10) Prescribe rules, regulations, standards and criteria  
12 for the conduct of an expeditious review, not exceeding 60  
13 days, of applications for permits for projects to construct or  
14 modify health care facilities which are needed for the care and  
15 treatment of persons who have acquired immunodeficiency  
16 syndrome (AIDS) or related conditions.

17 (Source: P.A. 93-41, eff. 6-27-03.)

18 (20 ILCS 3960/13) (from Ch. 111 1/2, par. 1163)

19 (Section scheduled to be repealed on July 1, 2006)

20 Sec. 13. Investigation of applications for permits and  
21 certificates of recognition. The Agency or the State Board  
22 shall make or cause to be made such investigations as it or the  
23 State Board deems necessary in connection with an application  
24 for a permit or an application for a certificate of  
25 recognition, or in connection with a determination of whether  
26 or not construction or modification which has been commenced is  
27 in accord with the permit issued by the State Board or whether  
28 construction or modification has been commenced without a  
29 permit having been obtained. The State Board may issue  
30 subpoenas duces tecum requiring the production of records and  
31 may administer oaths to such witnesses.

32 Any circuit court of this State, upon the application of  
33 the State Board or upon the application of any party to such

1 proceedings, may, in its discretion, compel the attendance of  
2 witnesses, the production of books, papers, records, or  
3 memoranda and the giving of testimony before the State Board,  
4 by a proceeding as for contempt, or otherwise, in the same  
5 manner as production of evidence may be compelled before the  
6 court.

7 The State Board shall require all health facilities  
8 operating in this State to provide such reasonable reports at  
9 such times and containing such information as is needed by it  
10 to carry out the purposes and provisions of this Act. Prior to  
11 collecting information from health facilities, the State Board  
12 shall make reasonable efforts through a public process to  
13 consult with health facilities and associations that represent  
14 them to determine whether data and information requests will  
15 result in useful information for health planning, whether  
16 sufficient information is available from other sources, and  
17 whether data requested is routinely collected by health  
18 facilities and is available without retrospective record  
19 review. Data and information requests shall not impose undue  
20 paperwork burdens on health care facilities and personnel.  
21 Health facilities not complying with this requirement shall be  
22 reported to licensing, accrediting, certifying, or payment  
23 agencies as being in violation of State law. Health care  
24 facilities and other parties at interest shall have reasonable  
25 access, under rules established by the State Board, to all  
26 planning information submitted in accord with this Act  
27 pertaining to their area.

28 Among the reports to be required by the State Board are  
29 facility questionnaires for health care facilities licensed  
30 under the Ambulatory Surgical Treatment Center Act, the  
31 Hospital Licensing Act, the Nursing Home Care Act, or the End  
32 Stage Renal Disease Facility Act. These questionnaires shall be  
33 conducted on an annual basis and compiled by the Agency. For  
34 health care facilities licensed under the Nursing Home Care

1 Act, these reports shall include, but not be limited to, the  
2 identification of specialty services provided by the facility  
3 to patients, residents, and the community at large. For health  
4 care facilities that contain long term care beds, the reports  
5 shall also include the number of staffed long term care beds,  
6 physical capacity for long term care beds at the facility, and  
7 long term care beds available for immediate occupancy. For  
8 purposes of this paragraph, "long term care beds" means beds  
9 (i) licensed under the Nursing Home Care Act or (ii) licensed  
10 under the Hospital Licensing Act and certified as skilled  
11 nursing or nursing facility beds under Medicaid or Medicare.

12 (Source: P.A. 93-41, eff. 6-27-03.)

13 (20 ILCS 3960/19.6)

14 (Section scheduled to be repealed on July 1, 2006)

15 Sec. 19.6. Repeal. This Act is repealed on April 1, 2007  
16 ~~July 1, 2006.~~

17 (Source: P.A. 93-41, eff. 6-27-03; 93-889, eff. 8-9-04.)

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law."