

HB1489



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1489

by Rep. Lou Lang

SYNOPSIS AS INTRODUCED:

20 ILCS 3960/6

from Ch. 111 1/2, par. 1156

Amends the Illinois Health Facilities Planning Act. In provisions concerning an application for a permit, provides that members of the public and the permit applicant shall have until 10 days before the meeting of the Health Facilities and Services Review Board to submit any written response concerning the Board staff's written review or findings regarding the permit application. Effective immediately.

LRB097 09341 RLJ 49476 b

A BILL FOR

1 AN ACT concerning State government.

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

4 Section 5. The Illinois Health Facilities Planning Act is
5 amended by changing Section 6 as follows:

6 (20 ILCS 3960/6) (from Ch. 111 1/2, par. 1156)

7 (Section scheduled to be repealed on December 31, 2019)

8 Sec. 6. Application for permit or exemption; exemption
9 regulations.

10 (a) An application for a permit or exemption shall be made
11 to the State Board upon forms provided by the State Board. This
12 application shall contain such information as the State Board
13 deems necessary. The State Board shall not require an applicant
14 to file a Letter of Intent before an application is filed. Such
15 application shall include affirmative evidence on which the
16 State Board or Chairman may make its decision on the approval
17 or denial of the permit or exemption.

18 (b) The State Board shall establish by regulation the
19 procedures and requirements regarding issuance of exemptions.
20 An exemption shall be approved when information required by the
21 Board by rule is submitted. Projects eligible for an exemption,
22 rather than a permit, include, but are not limited to, change
23 of ownership of a health care facility. For a change of

1 ownership of a health care facility between related persons,
2 the State Board shall provide by rule for an expedited process
3 for obtaining an exemption. In connection with a change of
4 ownership, the State Board may approve the transfer of an
5 existing permit without regard to whether the permit to be
6 transferred has yet been obligated, except for permits
7 establishing a new facility or a new category of service.

8 (c) All applications shall be signed by the applicant and
9 shall be verified by any 2 officers thereof.

10 (c-5) Any written review or findings of the Board staff or
11 any other reviewing organization under Section 8 concerning an
12 application for a permit must be made available to the public
13 at least 14 calendar days before the meeting of the State Board
14 at which the review or findings are considered. The applicant
15 and members of the public may submit, to the State Board,
16 written responses regarding the facts set forth in the review
17 or findings of the Board staff or reviewing organization.
18 Members of the public and the applicant shall have until 10
19 days before the meeting of the State Board to submit any
20 written response concerning the Board staff's written review or
21 findings ~~at least 10 days before the meeting of the State~~
22 ~~Board~~. The Board staff may revise any findings to address
23 corrections of factual errors cited in the public response. At
24 the meeting, the State Board may, in its discretion, permit the
25 submission of other additional written materials.

26 (d) Upon receipt of an application for a permit, the State

1 Board shall approve and authorize the issuance of a permit if
2 it finds (1) that the applicant is fit, willing, and able to
3 provide a proper standard of health care service for the
4 community with particular regard to the qualification,
5 background and character of the applicant, (2) that economic
6 feasibility is demonstrated in terms of effect on the existing
7 and projected operating budget of the applicant and of the
8 health care facility; in terms of the applicant's ability to
9 establish and operate such facility in accordance with
10 licensure regulations promulgated under pertinent state laws;
11 and in terms of the projected impact on the total health care
12 expenditures in the facility and community, (3) that safeguards
13 are provided which assure that the establishment, construction
14 or modification of the health care facility or acquisition of
15 major medical equipment is consistent with the public interest,
16 and (4) that the proposed project is consistent with the
17 orderly and economic development of such facilities and
18 equipment and is in accord with standards, criteria, or plans
19 of need adopted and approved pursuant to the provisions of
20 Section 12 of this Act.

21 (Source: P.A. 95-237, eff. 1-1-08; 96-31, eff. 6-30-09.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.