

1 AN ACT in relation to health facilities.

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

4 Section 5. The Hospital Licensing Act is amended by
5 changing Section 8 as follows:

6 (210 ILCS 85/8) (from Ch. 111 1/2, par. 149)

7 Sec. 8. Facility plan review; fees.

8 (a) Before commencing construction of new facilities or
9 specified types of alteration or additions to an existing
10 hospital involving major construction, as defined by rule by
11 the Department, with an estimated cost greater than \$100,000,
12 architectural plans and specifications therefor shall be
13 submitted by the licensee to the Department for review and
14 approval. A hospital may submit architectural drawings and
15 specifications for other construction projects for Department
16 review according to subsection (b) that shall not be subject
17 to fees under subsection (d). Review of drawings and
18 specifications shall be conducted by an employee of the
19 Department meeting the qualifications established by the
20 Department of Central Management Services class
21 specifications for such an individual's position or by a
22 person contracting with the Department who meets those class
23 specifications. Final approval of the plans and
24 specifications for compliance with design and construction
25 standards shall be obtained from the Department before the
26 alteration, addition, or new construction is begun.

27 (b) The Department shall inform an applicant in writing
28 within 10 working days after receiving drawings and
29 specifications and the required fee, if any, from the
30 applicant whether the applicant's submission is complete or
31 incomplete. Failure to provide the applicant with this

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

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

6 (1) the Department reviewed and approved or deemed
 7 approved the drawing and specifications for compliance
 8 with design and construction standards;

9 (2) the construction, major alteration, or addition
 10 was built as submitted;

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

13 (4) the conditions at the facility indicate that
 14 there is a reasonable degree of safety provided for the
 15 patients.

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

19 (1) (Blank).

20 (2) (Blank).

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

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

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

33 (6) If the estimated dollar value of the
 34 alteration, addition, or new construction is \$5,000,000

1 or more, the fee shall be the greater of \$11,000 or 0.11%
2 of that value, but shall not exceed \$40,000.

3 The fees provided in this subsection (d) shall not apply
4 to major construction projects involving facility changes
5 that are required by Department rule amendments or to
6 projects related to homeland security.

7 The fees provided in this subsection (d) shall also not
8 apply to major construction projects if 51% or more of the
9 estimated cost of the project is attributed to capital
10 equipment. For major construction projects where 51% or more
11 of the estimated cost of the project is attributed to capital
12 equipment, the Department shall by rule establish a fee that
13 is reasonably related to the cost of reviewing the project.

14 Disproportionate share hospitals and rural hospitals
15 shall only pay one-half of the fees required in this
16 subsection (d). For the purposes of this subsection (d), (i)
17 "disproportionate share hospital" means a hospital described
18 in items (1) through (5) of subsection (b) of Section 5-5.02
19 of the Illinois Public Aid Code and (ii) "rural hospital"
20 means a hospital that is (A) located outside a metropolitan
21 statistical area or (B) located 15 miles or less from a
22 county that is outside a metropolitan statistical area and is
23 licensed to perform medical/surgical or obstetrical services
24 and has a combined total bed capacity of 75 or fewer beds in
25 these 2 service categories as of July 14, 1993, as determined
26 by the Department.

27 The Department shall not commence the facility plan
28 review process under this Section until the applicable fee
29 has been paid.

30 (e) All fees received by the Department under this
31 Section shall be deposited into the Health Facility Plan
32 Review Fund, a special fund created in the State treasury.
33 All fees paid by hospitals under subsection (d) shall be used
34 only to cover the costs relating to the Department's review

1 of hospital projects under this Section. Moneys shall be
2 appropriated from that Fund to the Department only to pay the
3 costs of conducting reviews under this Section. None of the
4 moneys in the Health Facility Plan Review Fund shall be used
5 to reduce the amount of General Revenue Fund moneys
6 appropriated to the Department for facility plan reviews
7 conducted pursuant to this Section.

8 (f) (1) The provisions of this amendatory Act of 1997
9 concerning drawings and specifications shall apply only
10 to drawings and specifications submitted to the
11 Department on or after October 1, 1997.

12 (2) On and after the effective date of this
13 amendatory Act of 1997 and before October 1, 1997, an
14 applicant may submit or resubmit drawings and
15 specifications to the Department and pay the fees
16 provided in subsection (d). If an applicant pays the
17 fees provided in subsection (d) under this paragraph (2),
18 the provisions of subsection (b) shall apply with regard
19 to those drawings and specifications.

20 (g) The Department shall conduct an on-site inspection
21 of the completed project no later than 30 days after
22 notification from the applicant that the project has been
23 completed and all certifications required by the Department
24 have been received and accepted by the Department. The
25 Department shall provide written approval for occupancy to
26 the applicant within 5 working days of the Department's final
27 inspection, provided the applicant has demonstrated
28 substantial compliance as defined by Department rule.
29 Occupancy of new major construction is prohibited until
30 Department approval is received, unless the Department has
31 not acted within the time frames provided in this subsection
32 (g), in which case the construction shall be deemed approved.
33 Occupancy shall be authorized after any required health
34 inspection by the Department has been conducted.

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

4 (i) The Department shall establish, by rule, an
5 expedited process for emergency repairs or replacement of
6 like equipment.

7 (j) Nothing in this Section shall be construed to apply
8 to maintenance, upkeep, or renovation that does not affect
9 the structural integrity of the building, does not add beds
10 or services over the number for which the facility is
11 licensed, and provides a reasonable degree of safety for the
12 patients.

13 (Source: P.A. 90-327, eff. 8-8-97; 90-600, eff. 6-25-98;
14 91-712, eff. 7-1-00.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.