

1 AMENDMENT TO HOUSE BILL 6041

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 6041, AS AMENDED,  
3 as follows:  
4 by inserting immediately below the enacting clause the  
5 following:

6 "Section 2. The Department of Public Health Powers and  
7 Duties Law of the Civil Administrative Code of Illinois is  
8 amended by changing Section 2310-560 as follows:

9 (20 ILCS 2310/2310-560) (was 20 ILCS 2310/55.87)

10 Sec. 2310-560. Advisory committees ~~committee~~ concerning  
11 construction of facilities.

12 (a) The Director shall appoint an advisory committee.  
13 The committee shall be established by the Department by rule.  
14 The Director and the Department shall consult with the  
15 advisory committee concerning the application of building  
16 codes and Department rules related to those building codes to  
17 facilities under the Ambulatory Surgical Treatment Center Act  
18 and, the Nursing Home Care Act, ~~and the Hospital Licensing~~  
19 ~~Act~~.

20 (b) The Director shall appoint an advisory committee to  
21 advise the Department and to conduct informal dispute  
22 resolution concerning the application of building codes for

1 new and existing construction and related Department rules  
2 and standards under the Hospital Licensing Act, including  
3 without limitation rules and standards for (i) design and  
4 construction, (ii) engineering and maintenance of the  
5 physical plant, site, equipment, and systems (heating,  
6 cooling, electrical, ventilation, plumbing, water, sewer, and  
7 solid waste disposal), and (iii) fire and safety. The  
8 advisory committee shall be composed of all of the following  
9 members:

10 (1) The chairperson or an elected representative  
11 from the Hospital Licensing Board under the Hospital  
12 Licensing Act.

13 (2) Two health care architects with a minimum of 10  
14 years of experience in institutional design and building  
15 code analysis.

16 (3) Two engineering professionals (one mechanical  
17 and one electrical) with a minimum of 10 years of  
18 experience in institutional design and building code  
19 analysis.

20 (4) One commercial interior design professional  
21 with a minimum of 10 years of experience.

22 (5) Two representatives from provider associations.

23 (6) The Director or his or her designee, who shall  
24 serve as the committee moderator.

25 Appointments shall be made with the concurrence of the  
26 Hospital Licensing Board. The committee shall submit  
27 recommendations concerning the application of building codes  
28 and related Department rules and standards to the Hospital  
29 Licensing Board for review and comment prior to submission to  
30 the Department. The committee shall submit recommendations  
31 concerning informal dispute resolution to the Director. The  
32 Department shall provide per diem and travel expenses to the  
33 committee members.

34 (Source: P.A. 90-327, eff. 8-8-97; 90-655, eff. 7-30-98;

1 91-239, eff. 1-1-00.)

2 Section 3. The Illinois Building Commission Act is  
3 amended by changing Sections 5, 25, and 50 and adding Section  
4 47 as follows:

5 (20 ILCS 3918/5)

6 Sec. 5. Definitions. When used in this Act:

7 "Commission" means the Illinois Building Commission.

8 "State agency" has the same meaning as in Section 1-7 of  
9 the Illinois State Auditing Act.

10 "State building requirements" means any law, rule, or  
11 executive order implemented by the State of Illinois  
12 affecting the construction of buildings in Illinois.

13 "Health care provider" means a hospital as defined in the  
14 Hospital Licensing Act.

15 (Source: P.A. 90-269, eff. 1-1-98.)

16 (20 ILCS 3918/25)

17 Sec. 25. Forum; dispute resolution. The Commission shall  
18 provide an ongoing forum for continuing dialogue regarding  
19 the purpose and duties of the Commission. The Commission  
20 shall also serve as a forum to suggest resolution of  
21 conflicts between State agencies, or between a State agency  
22 and another entity that consents to the resolution forum,  
23 concerning State building requirements. As used in this  
24 Section, for dispute resolution arising out of Section 8 or  
25 8.5 of the Hospital Licensing Act, "building requirements"  
26 includes the application of building codes for new and  
27 existing construction and related Department rules and  
28 standards under the Hospital Licensing Act, including without  
29 limitation rules and standards for (i) design and  
30 construction, (ii) engineering and maintenance of the  
31 physical plant, site, equipment, and systems (heating,

1 cooling, electrical, ventilation, plumbing, water, sewer, and  
2 solid waste disposal), and (iii) fire and safety.

3 If the suggested resolution of a conflict between the  
4 Department of Public Health and a health care provider is to  
5 (i) accept an equivalency determined by the Fire Safety  
6 Evaluation System, (ii) waive State rules or standards, or  
7 (iii) seek a waiver of federal rules or standards, the  
8 Commission may take steps it deems reasonably necessary to  
9 facilitate the suggested resolution, including preparing a  
10 waiver request and directing the Department of Public Health  
11 to recommend the request to the appropriate federal agency.

12 (Source: P.A. 90-269, eff. 1-1-98.)

13 (20 ILCS 3918/47 new)

14 Sec. 47. Rules. The Commission may adopt any rules  
15 necessary for the administration of this Act.

16 (20 ILCS 3918/50)

17 Sec. 50. The Illinois Building Commission Revolving  
18 Fund. The Illinois Building Commission Revolving Fund is  
19 created in the State treasury. The Illinois Building  
20 Commission may establish fees, each of which may not exceed  
21 \$250 ~~or--an--amount--approved--by--the--Joint--Committee--on~~  
22 ~~Administrative-Rules~~, for services provided in fulfilling its  
23 mandate under this Act, except that for dispute resolution  
24 between the Illinois Department of Public Health and a health  
25 care provider, the Commission may establish fees to be paid  
26 by the health care provider, which may not exceed \$10,000.

27 All fees collected by the Commission shall be deposited into  
28 the Illinois Building Commission Revolving Fund. The  
29 Commission may also accept donations or moneys from any other  
30 source for deposit into this fund. All interest accrued on  
31 the fees, donations, and other deposits to the Illinois  
32 Building Commission Revolving Fund shall be deposited into

1 the fund. All moneys in the Illinois Building Commission  
2 Revolving Fund may be used, subject to appropriation by the  
3 General Assembly, to carry out the activities of the Act,  
4 including the expenses of the Illinois Building Commission, a  
5 clearinghouse on State building requirements, or other  
6 purposes consistent with this Act.

7 (Source: P.A. 91-581, eff. 8-14-99.); and

8 in Section 5, in the introductory clause, by replacing  
9 "Section 8.5" with "Sections 7.5, 8.5, 9.2, and 9.3"; and

10 in Section 5, immediately below the introductory clause, by  
11 inserting the following:

12 "(210 ILCS 85/7.5 new)

13 Sec. 7.5. Fire Safety Evaluation System. Upon request by  
14 a hospital, the Department, if applicable, must evaluate or  
15 allow for an evaluation of compliance with the Life Safety  
16 Code using the Fire Safety Evaluation System."; and

17 in Section 5, Sec. 8, subsec. (b), the sentence beginning "If  
18 denied,", after "denial", by inserting "and the applicant may  
19 elect to seek dispute resolution pursuant to Section 25 of  
20 the Illinois Building Commission Act, which the Department  
21 must participate in"; and

22 in Section 5, Sec. 8.5, in the caption, after "standards", by  
23 inserting "for construction or physical plant"; and

24 in Section 5, Sec. 8.5, the paragraph and sentence beginning  
25 "Upon application", before "rule", by inserting "construction  
26 or physical plant"; and

27 in Section 5, Sec. 8.5, the paragraph and sentence beginning  
28 "Upon application", after "standard", by inserting the  
29 following:

30 ", including without limitation rules and standards for (i)

1 design and construction, (ii) engineering and maintenance of  
2 the physical plant, site, equipment, and systems (heating,  
3 cooling, electrical, ventilation, plumbing, water, sewer, and  
4 solid waste disposal), and (iii) fire and safety,"; and

5 in Section 5, Sec. 8.5, the paragraph beginning "Upon  
6 application", the sentence beginning "The Department may  
7 provide", after "concerning", by inserting "construction or";  
8 and

9 in Section 5, Sec. 8.5, the paragraph beginning "Upon  
10 application", the sentence beginning "The Department shall  
11 renew", after "relating to", by inserting "construction or";  
12 and

13 in Section 5, Sec. 8.5, the paragraph beginning "The  
14 Department shall advise", after "waivers", by inserting  
15 "about which it is aware and"; and

16 in Section 5, Sec. 8.5, immediately below the paragraph  
17 beginning "The Department shall advise", by inserting the  
18 following:

19 "In the event that the Department does not grant or renew  
20 a waiver of a rule or standard, the Department must notify  
21 the hospital in writing detailing the specific reasons for  
22 not granting or renewing the waiver and must discuss possible  
23 options, if any, the hospital could take to have the waiver  
24 approved."; and

25 in Section 5, immediately below the end of Sec. 8.5, by  
26 inserting the following:

27 "(210 ILCS 85/9.2 new)  
28 Sec. 9.2. Disclosure. Prior to conducting a survey of a  
29 hospital operating under an approved waiver, equivalency, or  
30 other approval, a surveyor must be made aware of the waiver,  
31 equivalency, or other approval prior to entering the

1 hospital. Prior to commencing an inspection, the Department  
2 must provide the hospital with documentation that the survey  
3 is being conducted, with consideration of the relevant  
4 waiver, equivalency, or approval. After conducting the  
5 survey, the Department must conduct a comprehensive exit  
6 interview with designated hospital representatives at which  
7 the hospital may present additional information regarding  
8 findings.

9 (210 ILCS 85/9.3 new)

10 Sec. 9.3. Informal dispute resolution. The Department  
11 must offer an opportunity for informal dispute resolution  
12 concerning the application of building codes for new and  
13 existing construction and related Department rules and  
14 standards before the advisory committee under subsection (b)  
15 of Section 2310-560 of the Department of Public Health Powers  
16 and Duties Law of the Civil Administrative Code of Illinois.  
17 Participants in this process must include representatives  
18 from the Department, representatives of the hospital, and  
19 additional representatives deemed appropriate by both parties  
20 with expertise regarding the contested deficiencies and the  
21 management of health care facilities."