

1 AMENDMENT TO SENATE BILL 2241

2 AMENDMENT NO. _____. Amend Senate Bill 2241 by replacing
3 everything after the enacting clause with the following:

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

1 specifications. Final approval of the plans and
2 specifications for compliance with design and construction
3 standards shall be obtained from the Department before the
4 alteration, addition, or new construction is begun.

5 (b) The Department shall inform an applicant in writing
6 within 10 working days after receiving drawings and
7 specifications and the required fee, if any, from the
8 applicant whether the applicant's submission is complete or
9 incomplete. Failure to provide the applicant with this
10 notice within 10 working days shall result in the submission
11 being deemed complete for purposes of initiating the 60-day
12 review period under this Section. If the submission is
13 incomplete, the Department shall inform the applicant of the
14 deficiencies with the submission in writing. If the
15 submission is complete and the required fee, if any, has been
16 paid, the Department shall approve or disapprove drawings and
17 specifications submitted to the Department no later than 60
18 days following receipt by the Department. The drawings and
19 specifications shall be of sufficient detail, as provided by
20 Department rule, to enable the Department to render a
21 determination of compliance with design and construction
22 standards under this Act. If the Department finds that the
23 drawings are not of sufficient detail for it to render a
24 determination of compliance, the plans shall be determined to
25 be incomplete and shall not be considered for purposes of
26 initiating the 60 day review period. If a submission of
27 drawings and specifications is incomplete, the applicant may
28 submit additional information. The 60-day review period
29 shall not commence until the Department determines that a
30 submission of drawings and specifications is complete or the
31 submission is deemed complete. If the Department has not
32 approved or disapproved the drawings and specifications
33 within 60 days, the construction, major alteration, or
34 addition shall be deemed approved. If the drawings and

1 specifications are disapproved, the Department shall state in
2 writing, with specificity, the reasons for the disapproval.
3 The entity submitting the drawings and specifications may
4 submit additional information in response to the written
5 comments from the Department or request a reconsideration of
6 the disapproval. A final decision of approval or disapproval
7 shall be made within 45 days of the receipt of the additional
8 information or reconsideration request. If denied, the
9 Department shall state the specific reasons for the denial.

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

15 (1) the Department reviewed and approved or deemed
16 approved the drawing and specifications for compliance
17 with design and construction standards;

18 (2) the construction, major alteration, or addition
19 was built as submitted;

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

22 (4) the conditions at the facility indicate that
23 there is a reasonable degree of safety provided for the
24 patients.

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

28 (1) (Blank).

29 (2) (Blank).

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

34 (4) If the estimated dollar value of the

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

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

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

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

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

1 by the Department.

2 The Department shall not commence the facility plan
3 review process under this Section until the applicable fee
4 has been paid.

5 (e) All fees received by the Department under this
6 Section shall be deposited into the Health Facility Plan
7 Review Fund, a special fund created in the State treasury.
8 All fees paid by hospitals under subsection (d) shall be used
9 only to cover the costs relating to the Department's review
10 of hospital projects under this Section. Moneys shall be
11 appropriated from that Fund to the Department only to pay the
12 costs of conducting reviews under this Section. None of the
13 moneys in the Health Facility Plan Review Fund shall be used
14 to reduce the amount of General Revenue Fund moneys
15 appropriated to the Department for facility plan reviews
16 conducted pursuant to this Section.

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

21 (2) On and after the effective date of this
22 amendatory Act of 1997 and before October 1, 1997, an
23 applicant may submit or resubmit drawings and
24 specifications to the Department and pay the fees
25 provided in subsection (d). If an applicant pays the
26 fees provided in subsection (d) under this paragraph (2),
27 the provisions of subsection (b) shall apply with regard
28 to those drawings and specifications.

29 (g) The Department shall conduct an on-site inspection
30 of the completed project no later than 30 days after
31 notification from the applicant that the project has been
32 completed and all certifications required by the Department
33 have been received and accepted by the Department. The
34 Department shall provide written approval for occupancy to

1 the applicant within 5 working days of the Department's final
2 inspection, provided the applicant has demonstrated
3 substantial compliance as defined by Department rule.
4 Occupancy of new major construction is prohibited until
5 Department approval is received, unless the Department has
6 not acted within the time frames provided in this subsection
7 (g), in which case the construction shall be deemed approved.
8 Occupancy shall be authorized after any required health
9 inspection by the Department has been conducted.

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

13 (i) The Department shall establish, by rule, an
14 expedited process for emergency repairs or replacement of
15 like equipment.

16 (j) Nothing in this Section shall be construed to apply
17 to maintenance, upkeep, or renovation that does not affect
18 the structural integrity of the building, does not add beds
19 or services over the number for which the facility is
20 licensed, and provides a reasonable degree of safety for the
21 patients.

22 (Source: P.A. 90-327, eff. 8-8-97; 90-600, eff. 6-25-98;
23 91-712, eff. 7-1-00.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law."