**Section 265.1300 Application for Initial License**

a) An application for a license to establish or operate a birth center shall be made in writing on forms provided by the Department.

b) A change of ownership will require a new application.

c) The application shall include proof of a Certificate of Need to establish and operate a Birth Center Model issued by the Health Facilities and Services Review Board under the Illinois Health Facilities Planning Act.

d) Application forms and other required information shall be submitted and approved pursuant to Subpart B of this Part, prior to surveys of the physical plant or review of building plans and specifications.

e) Each application shall be accompanied by a non-refundablelicense application fee of $500 plus $100 for each licensed birthing bed*.*

f) The application shall contain, at a minimum, the following information:

1) The name, address and telephone number of the applicant, if the applicant is an individual; in the case of a firm, partnership, or association, of every member thereof; in the case of a corporation, the name, address and phone number thereof and of its officers and its registered agent; and in the case of a unit of local government, the name, address and telephone number of its chief executive officer.

2) The name of the person or persons who will manage or operate the birth center.

3) The location of the birth center, including the name, address, and number of beds, not to exceed 10.

4) Information regarding any conviction of the applicant; or, if the applicant is a firm, partnership or association, of any of its members; or, if the applicant is a corporation, of any of its officers or directors; or of the person designated to manage or operate the birth center, of a felony, or of two or more misdemeanors involving moral turpitude in the last five years.

5) The name, address, telephone number, experience, credentials and any professional licensure or certification of the following persons:

A) Administrator;

B) Medical director; and

C) Director of Nursing and Midwifery Services.

6) A list of the medical staff, including name and license number.

7) A list of the number and type of proposed staff.

8) A detailed description of the services to be provided by the birth center, including the admission criteria (see Section 265.1550).

9) Schematic architectural plans.

10) A copy of the contract between the birth center and hospital, including a transfer agreement pursuant to Section 265.1250(h).

11) The letter of agreement with a perinatal center for referral of high risk infants based upon the Regionalized Perinatal Health Care Code.

12) A written narrative on the prenatal care and community education services offered by the birth center, and how these services are being coordinated with other health services in the community.

g) Each application shall contain documentation that *the services of a medical director physician, licensed to practice medicine in all its branches, who is certified or eligible for certification by the American College of Obstetricians and Gynecologists or the American Board of Osteopathic Obstetricians and Gynecologists or has hospital obstetrical privileges are* available to be provided *in* the *birth center.* (Section 35(6) of the Act)

h) Upon receipt and review of a complete application for licensure, the Department shall conduct an inspection to determine compliance with the Act and this Part.

i) If the birth center is found to be in substantial compliance with the Act and this Part, the Department shall issue a license *for a period of one year*. (Section 30 of the Act)

1) The license shall not be transferable; it is issued to the licensee and for the specific location and number of beds identified in the license.

2) The license shall become automatically void and shall be returned to the Department if the birth center's license is revoked, nonrenewed or relinquished, denied, forfeited, or suspended.

j) An application for an annual license renewal shall be filed with the Department 90 to 120 days prior to the expiration of the license, on forms provided by the Department.

1) The renewal application shall comply with the requirements of subsections (a), (b), (c), (d), (e) and (f) of this Section; and

2) Upon receipt and review of a complete application for license renewal, the Department may conduct a survey, dependent upon workload priorities, time from last survey, and other factors such as complaints or reports. The Department will renew the license in accordance with subsection (i) of this Section.

k) *The Department may issue a provisional license to any* birth center *model that does not substantially comply with the provisions of the Act* and this Part:

1) A provisional license will be issued only *if the Department finds that*:

A) *The* birth center *has undertaken changes and corrections which upon completion will render the* birth center *in substantial compliance with the Act* and this Part;

B) *The health and safety of the* clients *of* the birth center *will be protected during the period for which the provisional license is issued* (Section 30(c) of the Act); and

C) The health and safety of the employees of the birth center will be protected during the period for which the provisional license is issued.

2) *The Department shall advise the* applicant or *licensee of the conditions under which the provisional license is issued, including*:

A) *The manner in which the* birth center *fails to comply with the provisions of* the *Act* and this Part;

B) The changes and corrections that shall be completed;

C) *The time within which the changes and corrections necessary for the* birth center *to substantially comply with* the *Act* and this Part *shall be completed* (Section 30(c) of the Act); and

D) The interim actions that are necessary to protect the health and safety of the clients.