**Section 300.2810 Applicability of this Subpart N**

a) Applicability of New Construction Requirements

This Subpart N shall apply to all new facilities and major alterations and additions to existing facilities. (Major alterations are those that are not defined as minor alterations in subsection (h).) Facilities contemplating construction shall contact the Health Facilities and Services Review Board for information concerning the current requirements.

b) *Before commencing construction of a new facility or specified types of alteration or additions to an existing long term care facility involving major construction, as defined* in subsection (h)*, architectural drawings and specifications for the facility* shall comply with Section 300.2830 and *shall be submitted to the Department for review and approval*. The Department will not assess a plan review fee on projects with an estimated construction cost of $100,000 or less. (Section 3-202.5(a) of the Act)

c) The drawings and specifications shall be submitted to the Department for review and approval prior to beginning of construction. For final approval to remain valid, contracts shall be signed within one year after the date of final approval.

1) *The Department* will *inform an applicant in writing within 10 working days after receiving drawings and specifications and the required fee, if any, from the applicant whether the applicant's submission is complete or incomplete. Failure to provide the applicant with this notice within 10 working days* will *result in the submission being deemed complete for purposes of initiating the 60-day review period under* the Act and *this* Part.

2) *If the submission is complete* and *the required fee, if any, has been paid, the Department* will *approve or disapprove drawings and specifications submitted to the Department no later than 60 days following receipt by the Department*. (Section 3-202.5(b) of the Act)

d) *The drawings and specifications shall be of sufficient detail*, pursuant to Section 300.2830, *to enable the Department to render a determination of compliance with design and construction standards under* the *Act* and this Part. *If the Department finds that the drawings are not of sufficient detail to render a determination of compliance, the plans* will *be determined to be incomplete and* will *not be considered for purposes of initiating the 60-day review period.*

1) *If a submission of drawings and specifications is incomplete, the applicant may submit additional information. The 60-day review period* will *not commence until the Department determines that a submission of drawings and specifications is complete or the submission is deemed complete.*

2) *If the Department has not approved or disapproved the drawings and specifications within 60 days, the construction, major alteration, or addition* will *be deemed approved. If the drawings and specifications are disapproved, the Department* will *state in writing, with specificity, the reasons for the disapproval.*

3) *The entity submitting the drawings and specifications may submit additional information in response to the written comments from the Department or request a reconsideration of the disapproval. A final decision of approval or disapproval* will *be made within 45 days* after *the receipt of the additional information or reconsideration request. If denied, the Department* will *state the specific reasons for the denial.* (Section 3-202.5(b) of the Act)

e) Any contract modifications that affect or change the function, design, or purpose of a facility shall be submitted to the Department for approval prior to authorizing the modifications. The approval will be based upon compliance with Section 300.2830. Comments or approval will be provided within 30 days after receipt by the Department.

f) *The Department* will *conduct an on-site inspection of the completed project no later than 30 days after notification from the applicant that the project has been completed and all certifications required by the Department have been received and accepted by the Department, except that, during a statewide public health emergency, as defined in the Illinois Emergency Management Agency Act, the Department* will *conduct an on-site inspection of the completed project to the extent feasible*. *The Department* will *provide written approval for occupancy to the applicant within 5 working days* after *the Department's final inspection, provided the applicant has demonstrated substantial compliance as defined* in subsection (k). (Section 3-202.5(g) of the Act)

g) *The Department* will *provide written approval for occupancy pursuant to* the Act and this Section *and* will *not issue a violation to a facility as a result of a licensure or complaint survey based upon the facility's physical structure if*:

1) *The Department reviewed and approved or* is *deemed* to have *approved the drawings and specifications for compliance with design and construction standards*;

2) *The construction, major alteration, or addition was built as submitted*;

3) *The* Act *or* this Part *have not been amended since the original approval;* and

4) *The conditions at the facility indicate that there is a reasonable degree of safety provided for the residents*. (Section 3-202.5(c) of the Act)

h) Minor alterations or remodeling changes that do not affect the structural integrity of the building, that do not change functional operation, that do not affect fire or life safety, and that do not add beds or facilities over those for which the facility is licensed do not need to be submitted for drawing approval. However, the Health Facilities and Services Review Board requirements shall be met for all alterations and remodeling projects.

i) No system of water supply, plumbing, sewage, garbage or refuse disposal shall be installed, nor any existing system altered or extended until complete plans and specifications for the installation, alteration or extension have been submitted to the Department and have been reviewed and approved. The approval will be based upon compliance with Section 300.2820.

j) *Nothing in this Section shall be construed to apply to maintenance, upkeep, or renovation that does not affect the structural integrity of the building*, does not affect fire or life safety, or *does not add beds or services over the number for which the long-term care facility is licensed, and provides a reasonable degree of safety for the residents*. (Section 3-202.5(j) of the Act)

k) A facility shall be deemed in substantial compliance if all life and fire safety systems and features are installed and operating in accordance with manufacturer's recommendations and all referenced standards in subsections 300.340(a)(1)(F) and (G). All areas shall be complete and ready for their intended use and shall not pose a fire or safety hazard for the intended occupants of the facility.

(Source: Amended at 48 Ill. Reg. 3317, effective February 16, 2024)