**Section 350.140 Issuance of an Initial License for a New Facility**

a) *Upon receipt and review of an application for a license and inspection of the applicant facility, the Director shall issue a* probationary *license if he or she finds:*

1) *That the individual applicant, or the corporation, partnership or other entity if the applicant is not an individual, is a person responsible and suitable to operate or to direct or participate in the operation of a facility by virtue of financial capacity, appropriate business or professional experience, a record of compliance with lawful orders of the Department and lack of revocation of a license during the previous 5 years and is not the owner of a facility designated pursuant to Section 3-304.2* of the Act and Section 350.185 *as a distressed facility;*

2) *That the facility is under the supervision of an administrator who is licensed, if required, under the Nursing Home Administrators Licensing and Disciplinary Act*; *and*

3) *That facility is in substantial compliance with* the *Act* and this Part*.* (Section 3-109 of the Act)

b) The Department will issue a probationary license for 120 days from date of issuance.

c) *Within 30 days prior to the termination of a probationary license, the Department shall fully and completely inspect the facility and, if the facility meets the applicable requirements for licensure, shall issue a license under Section 3-109* of the Act*.* (Section 3-116 of the Act) If the facility is not in substantial compliance and satisfactory progress toward substantial compliance is not being made, the Department will allow the probationary license to expire.

d) *If the Department finds that the facility does not meet the requirements for licensure but has made substantial progress toward meeting those requirements, the license may be renewed once for a period not to exceed 120 days from the expiration date of the initial probationary license.* (Section 3-116 of the Act) The Department will not issue more than two successive probationary licenses.

e) The licensee shall qualify for issuance of a two-year license if the licensee has met the criteria contained in Section 3-110(b) of the Act for the last 24 consecutive months.

(Source: Amended at 46 Ill. Reg. 10519, effective June 2, 2022)