**Section 1110.1535 Recognition of Non-Hospital Based Ambulatory Surgical Treatment Center (ASTC) Services**

a) Due to revisions in Section 1110.1540, HFSRB shall recognize the existence of the non-hospital based ASTC services for licensed facilities that are able to verify the existence of these ASTC services prior to January 1, 2014. The following documentation shall be submitted to HFSRB to substantiate the claim that the ASTC services existed prior to that date:

1) verification that identified outpatient surgical procedures have been performed at the facility prior to January 1, 2014; and

2) verification that the facility has obtained a license as an ASTC prior January 1. 2014;

b) Documentation shall be in the form of a letter from IDPH's licensure program confirming that an ASTC license was obtained and a copy of the most recent HFSRB Ambulatory Surgical Treatment Center Data Profile for the subject facility. Documentation for an ASTC service that has not been performed during the most recent year shall include:

1) a letter from IDPH's licensure program confirming that an ASTC license was obtained prior to January 1, 2014; and

2) either:

A) a copy of the "Annual Ambulatory Surgical Treatment Center Data Profile" showing when the procedure in question was performed; or

B) a copy of the CON permit letter that identifies the services included in the permit approval.

c) Recognition by HFSRB of the non-hospital based ASTC services exempts the facility from the requirement of obtaining a permit for establishment of a health care facility and establishment of the identified and verified ASTC services. The exemption shall be valid and remain in effect provided that the following requirements are met:

1) the procedures and scope of services provided at the facility remain restricted to the ASTC services (e.g., podiatry, ophthalmology, plastic surgery) in operation on or before January 1, 2014; and

2) the facility has obtained a license from IDPH on or before January 1, 2014; and

3) the facility has petitioned HFSRB for recognition of the service no more than 90 days after April 15, 2014.

d) The ASTC shall be subject to the provisions of 77 Ill. Adm. Code 1100.640 and Sections 1110.1530 and 1110.1540 of this Part regarding subsequent transactions that require a permit. Failure to comply with any of the requirements of this Part or subsequent discontinuation of the facility shall:

1) void the recognition of the verified ASTC services and their subsequent exemption; and

2) subject the facility to the sanctions and penalties provided by Section 14.1 of the Act and 77 Ill. Adm. Code 1130.790; and

3) require a permit to:

A) establish an ASTC or ASTC service; or

B) change ownership; or

C) expand an existing ASTC; or

D) modernize an existing ASTC when the estimated total project cost exceeds the capital expenditure minimum. The current threshold is determined under 77 Ill. Adm. Code 1130.Appendix A and posted on HFSRB's website ([www.hfsrb.illinois.gov](http://www.hfsrb.illinois.gov)); or

E) discontinue an ASTC.

(Source: Added at 38 Ill. Reg. 8861, effective April 15, 2014)