**Section 1130.220 Necessary Parties to the Application for Permit or Exemption**

*A permit or exemption shall be obtained prior to the acquisition of major medical equipment or to the construction or modification of a health care facility* [20 ILCS 3960/5]. The following persons shall be the applicants for permit or exemption, as applicable:

a) For construction or modification projects (including projects to establish or change the ownership of health care facilities and including projects to acquire major medical equipment by or on behalf of health care facilities) of one or more existing or proposed health care facilities:

1) the person who will hold and who currently (as applicable) holds the license (or Medicare and/or Medicaid certification if licensing is not applicable) for each facility;

2) the person who has final control of the person who will hold or who currently holds (as applicable) the license (or Medicare and/or Medicaid certification if applicable) for each facility;

3) any related person who is or will be financially responsible for guaranteeing or making payments on any debt related to the project; and

4) any other person who actively will be involved in the operation or provision of care and who controls the use of equipment or other capital assets that are components of the project, such as, but not limited to, fixed equipment, mobile equipment, buildings or portions of buildings, structures such as parking garages, etc.

b) For projects to acquire major medical equipment that is not located in a health care facility and that is not being acquired by or on behalf of a health care facility, the applicant must be:

1) the person who is acquiring the equipment; and

2) the person who will be responsible for operation of the proposed equipment; and

3) the person who has final control of the person who is acquiring the equipment or the person who will be responsible for operation of the equipment; and

4) any other person who controls the use of equipment or other capital assets that are components of the project, such as, but not limited to, fixed equipment, mobile equipment, buildings or portions of buildings, structures such as parking garages, etc.

HFSRB NOTE: A person or entity that participates in the management of a health care facility or category of service is not an applicant unless that person or entity possesses the rights or powers specified in the definition of "control" contained in Section 1130.140.

(Source: Amended at 37 Ill. Reg. 6227, effective June 1, 2013)