



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4736

Introduced 1/27/2022, by Rep. William Davis

SYNOPSIS AS INTRODUCED:

20 ILCS 3960/6

from Ch. 111 1/2, par. 1156

Amends the Illinois Health Facilities Planning Act. Provides that members of the public and an applicant for a permit shall have 5 days from the posting of the State Board Staff Report (currently, 10 days before the meeting of the State Board) to submit any written response specific to the Board staff's written review or findings concerning an application for a permit. Provides that the written response shall not be used to introduce information that was not provided in the original application. Effective immediately.

LRB102 24374 RJF 33608 b

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Health Facilities Planning Act is
5 amended by changing Section 6 as follows:

6 (20 ILCS 3960/6) (from Ch. 111 1/2, par. 1156)

7 (Section scheduled to be repealed on December 31, 2029)

8 Sec. 6. Application for permit or exemption; exemption
9 regulations.

10 (a) An application for a permit or exemption shall be made
11 to the State Board upon forms provided by the State Board. This
12 application shall contain such information as the State Board
13 deems necessary. The State Board shall not require an
14 applicant to file a Letter of Intent before an application is
15 filed. Such application shall include affirmative evidence on
16 which the State Board or Chairman may make its decision on the
17 approval or denial of the permit or exemption.

18 (b) The State Board shall establish by regulation the
19 procedures and requirements regarding issuance of exemptions.
20 An exemption shall be approved when information required by
21 the Board by rule is submitted. Projects eligible for an
22 exemption, rather than a permit, include, but are not limited
23 to, change of ownership of a health care facility and

1 discontinuation of a category of service, other than a health
2 care facility maintained by the State or any agency or
3 department thereof or a nursing home maintained by a county.
4 The Board may accept an application for an exemption for the
5 discontinuation of a category of service at a health care
6 facility only once in a 6-month period following (1) the
7 previous application for exemption at the same health care
8 facility or (2) the final decision of the Board regarding the
9 discontinuation of a category of service at the same health
10 care facility, whichever occurs later. A discontinuation of a
11 category of service shall otherwise require an application for
12 a permit if an application for an exemption has already been
13 accepted within the 6-month period. For a change of ownership
14 among related persons of a health care facility, the State
15 Board shall provide by rule for an expedited process for
16 obtaining an exemption. For the purposes of this Section,
17 "change of ownership among related persons" means a
18 transaction in which the parties to the transaction are under
19 common control or ownership before and after the transaction
20 is complete.

21 (c) All applications shall be signed by the applicant and
22 shall be verified by any 2 officers thereof.

23 (c-5) Any written review or findings of the Board staff
24 set forth in the State Board Staff Report concerning an
25 application for a permit must be made available to the public
26 and the applicant at least 14 calendar days before the meeting

1 of the State Board at which the review or findings are
2 considered. The applicant and members of the public may
3 submit, to the State Board, written responses regarding the
4 facts set forth in the review or findings of the Board staff.
5 Members of the public and the applicant shall have 5 days from
6 the posting of the State Board Staff Report ~~until 10 days~~
7 ~~before the meeting of the State Board~~ to submit any written
8 response specific to ~~concerning~~ the Board staff's written
9 review or findings. The written response shall not be used to
10 introduce information that was not provided in the original
11 application. The Board staff may revise any findings to
12 address corrections of factual errors cited in the public
13 response. At the meeting, the State Board may, in its
14 discretion, permit the submission of other additional written
15 materials.

16 (d) Upon receipt of an application for a permit, the State
17 Board shall approve and authorize the issuance of a permit if
18 it finds (1) that the applicant is fit, willing, and able to
19 provide a proper standard of health care service for the
20 community with particular regard to the qualification,
21 background and character of the applicant, (2) that economic
22 feasibility is demonstrated in terms of effect on the existing
23 and projected operating budget of the applicant and of the
24 health care facility; in terms of the applicant's ability to
25 establish and operate such facility in accordance with
26 licensure regulations promulgated under pertinent state laws;

1 and in terms of the projected impact on the total health care
2 expenditures in the facility and community, (3) that
3 safeguards are provided that assure that the establishment,
4 construction or modification of the health care facility or
5 acquisition of major medical equipment is consistent with the
6 public interest, and (4) that the proposed project is
7 consistent with the orderly and economic development of such
8 facilities and equipment and is in accord with standards,
9 criteria, or plans of need adopted and approved pursuant to
10 the provisions of Section 12 of this Act.

11 (Source: P.A. 100-518, eff. 6-1-18; 100-681, eff. 8-3-18;
12 101-83, eff. 7-15-19.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.