



Rep. Camille Y. Lilly

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10300HB5429ham001

LRB103 39499 CES 71679 a

1 AMENDMENT TO HOUSE BILL 5429

2 AMENDMENT NO. _____. Amend House Bill 5429 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Assisted Living and Shared Housing Act is
5 amended by adding Section 21 as follows:

6 (210 ILCS 9/21 new)

7 Sec. 21. Establishment plan review; fees.

8 (a) Before commencing construction of new assisted living
9 or shared housing establishments or alterations or additions
10 to an existing assisted living or shared housing establishment
11 involving major construction, as defined by rule by the
12 Department, an applicant under this Section shall submit
13 architectural drawings and specifications to the Department
14 for review and approval. An applicant under this Section shall
15 submit architectural drawings and specifications for other
16 construction projects for Department review according to

1 subsection (b) that shall not be subject to fees under
2 subsection (d). Review of drawings and specifications shall be
3 conducted by an employee of the Department meeting the
4 qualifications established by the Department of Central
5 Management Services class specifications for the individual's
6 position. Final approval of the drawings and specifications
7 for compliance with design and construction standards shall be
8 obtained from the Department before the proposed alteration,
9 addition, or new construction begins. The Department shall
10 adopt rules for determining whether a construction,
11 alteration, or addition is subject to the submission
12 requirements of this Section. The Department shall not review
13 a submission under this Section until the required fee, if
14 any, has been paid.

15 (b) The Department shall inform an applicant in writing
16 within 10 working days after receiving drawings,
17 specifications, and the required fee, if any, from the
18 applicant whether the applicant's submission is complete or
19 incomplete. Failure to provide the applicant with this notice
20 within 10 working days shall result in the submission being
21 deemed complete for purposes of initiating the 45 calendar day
22 review period under this Section. If the submission is
23 incomplete, the Department shall inform the applicant of the
24 deficiencies with the submission in writing. If the submission
25 is complete and the required fee, if any, has been paid, the
26 Department shall approve or disapprove drawings and

1 specifications submitted to the Department no later than 45
2 calendar days following receipt by the Department. The
3 drawings and specifications shall be of sufficient detail, as
4 provided by Department rule, to enable the Department to
5 render a determination of compliance with design and
6 construction standards under this Act. If the Department finds
7 that the drawings are not of sufficient detail for it to render
8 a determination of compliance, the plans shall be determined
9 to be incomplete and shall not be considered for purposes of
10 initiating the 45 calendar day review period. If a submission
11 of drawings and specifications is incomplete, the applicant
12 may submit additional information. The 45 calendar day review
13 period shall not commence until the Department determines that
14 a submission of drawings and specifications is complete or the
15 submission is deemed complete. If the Department has not
16 approved or disapproved the drawings and specifications within
17 45 calendar days, the construction, major alteration, or
18 addition shall be deemed approved. If the drawings and
19 specifications are disapproved, the Department shall state in
20 writing, with specificity, the reasons for the disapproval.
21 The entity submitting the drawings and specifications may
22 submit additional information in response to the written
23 comments from the Department or request a reconsideration of
24 the disapproval. A final decision of approval or disapproval
25 shall be made within 30 calendar days of the receipt of the
26 additional information or reconsideration request. If denied,

1 the Department shall state the specific reasons for the
2 denial.

3 (c) The Department shall provide written approval for
4 occupancy pursuant to subsection (g).

5 (d) The Department shall charge the following fees in
6 connection with its reviews conducted after the effective date
7 of this amendatory Act of the 103rd General Assembly under
8 this Section:

9 (1) If the estimated dollar value of the alteration,
10 addition, or new construction is \$99,999.99 or less, no
11 fee is required.

12 (2) If the estimated dollar value of the alteration,
13 addition, or new construction is \$100,000 or more but less
14 than \$500,000, the fee shall be the greater of \$2,400 or
15 1.2% of the estimated dollar value of the alteration,
16 addition, or new construction.

17 (3) If the estimated dollar value of the alteration,
18 addition, or new construction is \$500,000 or more but less
19 than \$1,000,000, the fee shall be the greater of \$6,0000
20 or 0.96% of that value.

21 (4) If the estimated dollar value of the alteration,
22 addition, or new construction is \$1,000,000 or more but
23 less than \$5,000,000, the fee shall be the greater of
24 \$9,600 or 0.22% of the estimated dollar value of the
25 alteration, addition, or new construction.

26 (5) If the estimated dollar value of the alteration,

1 addition, or new construction is \$5,000,000 or more, the
2 fee shall be the greater of \$11,000 or 0.11% of the
3 estimated dollar value of the alteration, addition, or new
4 construction, but shall not exceed \$30,000.

5 The fees provided in this subsection (d) shall not apply
6 to major construction projects involving establishment changes
7 that are required by an amendment to a Department rule.

8 The Department shall not commence the establishment plan
9 review process under this Section until the applicable fee has
10 been paid.

11 (e) All fees received by the Department under this Section
12 shall be deposited into the Health Facility Plan Review Fund,
13 a special fund created in the State Treasury. All fees paid by
14 establishments under this Section shall be used only to cover
15 the costs relating to the Department's review of projects
16 listed in this Section. Moneys shall be appropriated from that
17 Fund to the Department only to pay the costs of conducting
18 reviews under this Section, under Section 3-202.5 of the
19 Nursing Home Care Act, Section 3-202.5 of the MC/DD Act, or
20 Section 3-202.5 of the ID/DD Community Care Act. None of the
21 moneys in the Health Facility Plan Review Fund shall be used to
22 reduce the amount of General Revenue Fund moneys appropriated
23 to the Department for plan reviews conducted pursuant to this
24 Section.

25 (f) The Department shall review the fee structure 3 years
26 after the effective date of this amendatory Act of the 103rd

1 General Assembly and every 5 years thereafter, and fees shall
2 be increased or decreased to maintain the plan review program.

3 (g) The Department shall conduct an on-site inspection of
4 the completed project no later than 30 working days after
5 notification from the applicant under this Section that the
6 project has been completed and all certifications required by
7 the Department have been received and accepted by the
8 Department. The Department shall provide written approval for
9 occupancy to the applicant within 10 working days of the
10 Department's final inspection, provided the applicant has
11 demonstrated substantial compliance as defined by Department
12 rule. Occupancy of new major construction is prohibited until
13 Department approval is received, unless the Department has not
14 acted within the time frames provided in this subsection (g),
15 in which case the construction shall be deemed approved.
16 Occupancy shall be authorized after any required health
17 inspection by the Department has been conducted.

18 (h) The Department shall establish, by rule, a procedure
19 to conduct voluntary interim on-site review of large or
20 complex construction projects for a fee of \$3,000 per interim
21 on-site review.

22 (i) The Department shall establish, by rule, an expedited
23 process for emergency repairs or replacement of like
24 equipment.

25 The establishment shall not be occupied until the
26 Department provides written approval for occupancy to the

1 owner or operator within 10 business days after the
2 Department's final inspection, provided that the owner or
3 operator has substantially complied with this Section as
4 determined by the Department by rule.

5 (j) Nothing in this Section shall be construed to apply to
6 maintenance, upkeep, or renovation that does not affect the
7 structural integrity of the building, does not add units or
8 services over the number for which the establishment is
9 licensed, and provides a reasonable degree of safety for the
10 residents.

11 Section 10. The Nursing Home Care Act is amended by
12 changing Section 3-202.5 as follows:

13 (210 ILCS 45/3-202.5)

14 Sec. 3-202.5. Facility plan review; fees.

15 (a) Before commencing construction of a new facility or
16 specified types of alteration or additions to an existing long
17 term care facility involving major construction, as defined by
18 rule by the Department, with an estimated cost greater than
19 \$100,000, architectural drawings and specifications for the
20 facility shall be submitted to the Department for review and
21 approval. A facility may submit architectural drawings and
22 specifications for other construction projects for Department
23 review according to subsection (b) that shall not be subject
24 to fees under subsection (d). Review of drawings and

1 specifications shall be conducted by an employee of the
2 Department meeting the qualifications established by the
3 Department of Central Management Services class specifications
4 for such an individual's position or by a person contracting
5 with the Department who meets those class specifications.
6 Final approval of the drawings and specifications for
7 compliance with design and construction standards shall be
8 obtained from the Department before the alteration, addition,
9 or new construction is begun.

10 (b) The Department shall inform an applicant in writing
11 within 10 working days after receiving drawings and
12 specifications and the required fee, if any, from the
13 applicant whether the applicant's submission is complete or
14 incomplete. Failure to provide the applicant with this notice
15 within 10 working days shall result in the submission being
16 deemed complete for purposes of initiating the 60-day review
17 period under this Section. If the submission is incomplete,
18 the Department shall inform the applicant of the deficiencies
19 with the submission in writing. If the submission is complete
20 the required fee, if any, has been paid, the Department shall
21 approve or disapprove drawings and specifications submitted to
22 the Department no later than 60 days following receipt by the
23 Department. The drawings and specifications shall be of
24 sufficient detail, as provided by Department rule, to enable
25 the Department to render a determination of compliance with
26 design and construction standards under this Act. If the

1 Department finds that the drawings are not of sufficient
2 detail for it to render a determination of compliance, the
3 plans shall be determined to be incomplete and shall not be
4 considered for purposes of initiating the 60-day review
5 period. If a submission of drawings and specifications is
6 incomplete, the applicant may submit additional information.
7 The 60-day review period shall not commence until the
8 Department determines that a submission of drawings and
9 specifications is complete or the submission is deemed
10 complete. If the Department has not approved or disapproved
11 the drawings and specifications within 60 days, the
12 construction, major alteration, or addition shall be deemed
13 approved. If the drawings and specifications are disapproved,
14 the Department shall state in writing, with specificity, the
15 reasons for the disapproval. The entity submitting the
16 drawings and specifications may submit additional information
17 in response to the written comments from the Department or
18 request a reconsideration of the disapproval. A final decision
19 of approval or disapproval shall be made within 45 days of the
20 receipt of the additional information or reconsideration
21 request. If denied, the Department shall state the specific
22 reasons for the denial.

23 (c) The Department shall provide written approval for
24 occupancy pursuant to subsection (g) and shall not issue a
25 violation to a facility as a result of a licensure or complaint
26 survey based upon the facility's physical structure if:

1 (1) the Department reviewed and approved or deemed
2 approved the drawings and specifications for compliance
3 with design and construction standards;

4 (2) the construction, major alteration, or addition
5 was built as submitted;

6 (3) the law or rules have not been amended since the
7 original approval; and

8 (4) the conditions at the facility indicate that there
9 is a reasonable degree of safety provided for the
10 residents.

11 (d) The Department shall charge the following fees in
12 connection with its reviews conducted before June 30, 2004
13 under this Section:

14 (1) (Blank).

15 (2) (Blank).

16 (3) If the estimated dollar value of the alteration,
17 addition, or new construction is \$100,000 or more but less
18 than \$500,000, the fee shall be the greater of \$2,400 or
19 1.2% of that value.

20 (4) If the estimated dollar value of the alteration,
21 addition, or new construction is \$500,000 or more but less
22 than \$1,000,000, the fee shall be the greater of \$6,000 or
23 0.96% of that value.

24 (5) If the estimated dollar value of the alteration,
25 addition, or new construction is \$1,000,000 or more but
26 less than \$5,000,000, the fee shall be the greater of

1 \$9,600 or 0.22% of that value.

2 (6) If the estimated dollar value of the alteration,
3 addition, or new construction is \$5,000,000 or more, the
4 fee shall be the greater of \$11,000 or 0.11% of that value,
5 but shall not exceed \$40,000.

6 The fees provided in this subsection (d) shall not apply
7 to major construction projects involving facility changes that
8 are required by Department rule amendments.

9 The fees provided in this subsection (d) shall also not
10 apply to major construction projects if 51% or more of the
11 estimated cost of the project is attributed to capital
12 equipment. For major construction projects where 51% or more
13 of the estimated cost of the project is attributed to capital
14 equipment, the Department shall by rule establish a fee that
15 is reasonably related to the cost of reviewing the project.

16 The Department shall not commence the facility plan review
17 process under this Section until the applicable fee has been
18 paid.

19 (e) All fees received by the Department under this Section
20 shall be deposited into the Health Facility Plan Review Fund,
21 a special fund created in the State Treasury. All fees paid by
22 long-term care facilities under subsection (d) shall be used
23 only to cover the costs relating to the Department's review of
24 long-term care facility projects under this Section. Moneys
25 shall be appropriated from that Fund to the Department only to
26 pay the costs of conducting reviews under this Section, or

1 under Section 3-202.5 of the ID/DD Community Care Act, or
2 Section 3-202.5 of the MC/DD Act, or Section 21 of the Assisted
3 Living and Shared Housing Act. None of the moneys in the Health
4 Facility Plan Review Fund shall be used to reduce the amount of
5 General Revenue Fund moneys appropriated to the Department for
6 facility plan reviews conducted pursuant to this Section.

7 (f)(1) The provisions of this amendatory Act of 1997
8 concerning drawings and specifications shall apply only to
9 drawings and specifications submitted to the Department on or
10 after October 1, 1997.

11 (2) On and after the effective date of this amendatory Act
12 of 1997 and before October 1, 1997, an applicant may submit or
13 resubmit drawings and specifications to the Department and pay
14 the fees provided in subsection (d). If an applicant pays the
15 fees provided in subsection (d) under this paragraph (2), the
16 provisions of subsection (b) shall apply with regard to those
17 drawings and specifications.

18 (g) The Department shall conduct an on-site inspection of
19 the completed project no later than 30 days after notification
20 from the applicant that the project has been completed and all
21 certifications required by the Department have been received
22 and accepted by the Department, except that, during a
23 statewide public health emergency, as defined in the Illinois
24 Emergency Management Agency Act, the Department shall conduct
25 an on-site inspection of the completed project to the extent
26 feasible. The Department shall provide written approval for

1 occupancy to the applicant within 5 working days of the
2 Department's final inspection, provided the applicant has
3 demonstrated substantial compliance as defined by Department
4 rule. Occupancy of new major construction is prohibited until
5 Department approval is received, unless the Department has not
6 acted within the time frames provided in this subsection (g),
7 in which case the construction shall be deemed approved.
8 Occupancy shall be authorized after any required health
9 inspection by the Department has been conducted.

10 (h) The Department shall establish, by rule, a procedure
11 to conduct interim on-site review of large or complex
12 construction projects.

13 (i) The Department shall establish, by rule, an expedited
14 process for emergency repairs or replacement of like
15 equipment.

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

22 (Source: P.A. 103-1, eff. 4-27-23.)

23 Section 15. The MC/DD Act is amended by changing Section
24 3-202.5 as follows:

1 (210 ILCS 46/3-202.5)

2 Sec. 3-202.5. Facility plan review; fees.

3 (a) Before commencing construction of a new facility or
4 specified types of alteration or additions to an existing
5 facility involving major construction, as defined by rule by
6 the Department, with an estimated cost greater than \$100,000,
7 architectural drawings and specifications for the facility
8 shall be submitted to the Department for review and approval.
9 A facility may submit architectural drawings and
10 specifications for other construction projects for Department
11 review according to subsection (b) that shall not be subject
12 to fees under subsection (d). Review of drawings and
13 specifications shall be conducted by an employee of the
14 Department meeting the qualifications established by the
15 Department of Central Management Services class specifications
16 for such an individual's position or by a person contracting
17 with the Department who meets those class specifications.
18 Final approval of the drawings and specifications for
19 compliance with design and construction standards shall be
20 obtained from the Department before the alteration, addition,
21 or new construction is begun.

22 (b) The Department shall inform an applicant in writing
23 within 10 working days after receiving drawings and
24 specifications and the required fee, if any, from the
25 applicant whether the applicant's submission is complete or
26 incomplete. Failure to provide the applicant with this notice

1 within 10 working days shall result in the submission being
2 deemed complete for purposes of initiating the 60-day review
3 period under this Section. If the submission is incomplete,
4 the Department shall inform the applicant of the deficiencies
5 with the submission in writing. If the submission is complete
6 the required fee, if any, has been paid, the Department shall
7 approve or disapprove drawings and specifications submitted to
8 the Department no later than 60 days following receipt by the
9 Department. The drawings and specifications shall be of
10 sufficient detail, as provided by Department rule, to enable
11 the Department to render a determination of compliance with
12 design and construction standards under this Act. If the
13 Department finds that the drawings are not of sufficient
14 detail for it to render a determination of compliance, the
15 plans shall be determined to be incomplete and shall not be
16 considered for purposes of initiating the 60 day review
17 period. If a submission of drawings and specifications is
18 incomplete, the applicant may submit additional information.
19 The 60 day review period shall not commence until the
20 Department determines that a submission of drawings and
21 specifications is complete or the submission is deemed
22 complete. If the Department has not approved or disapproved
23 the drawings and specifications within 60 days, the
24 construction, major alteration, or addition shall be deemed
25 approved. If the drawings and specifications are disapproved,
26 the Department shall state in writing, with specificity, the

1 reasons for the disapproval. The entity submitting the
2 drawings and specifications may submit additional information
3 in response to the written comments from the Department or
4 request a reconsideration of the disapproval. A final decision
5 of approval or disapproval shall be made within 45 days of the
6 receipt of the additional information or reconsideration
7 request. If denied, the Department shall state the specific
8 reasons for the denial.

9 (c) The Department shall provide written approval for
10 occupancy pursuant to subsection (g) and shall not issue a
11 violation to a facility as a result of a licensure or complaint
12 survey based upon the facility's physical structure if:

13 (1) the Department reviewed and approved or deemed
14 approved the drawings and specifications for compliance
15 with design and construction standards;

16 (2) the construction, major alteration, or addition
17 was built as submitted;

18 (3) the law or rules have not been amended since the
19 original approval; and

20 (4) the conditions at the facility indicate that there
21 is a reasonable degree of safety provided for the
22 residents.

23 (d) (Blank).

24 (e) All fees received by the Department under this Section
25 shall be deposited into the Health Facility Plan Review Fund,
26 a special fund created in the State Treasury. All fees paid by

1 facilities under this Section shall be used to cover the costs
2 relating to the Department's review of facility projects under
3 this Section only. Moneys shall be appropriated from that Fund
4 to the Department only to pay the costs of conducting reviews
5 under this Section, under Section 3-202.5 of the Nursing Home
6 Care Act, under Section 21 of the Assisted Living and Shared
7 Housing Act, or under Section 3-202.5 of the ID/DD Community
8 Care Act. None of the moneys in the Health Facility Plan Review
9 Fund shall be used to reduce the amount of General Revenue Fund
10 moneys appropriated to the Department for facility plan
11 reviews conducted pursuant to this Section.

12 (f) (Blank).

13 (g) The Department shall conduct an on site inspection of
14 the completed project no later than 30 days after notification
15 from the applicant that the project has been completed and all
16 certifications required by the Department have been received
17 and accepted by the Department, except that, during a
18 statewide public health emergency, as defined in the Illinois
19 Emergency Management Agency Act, the Department shall conduct
20 an on-site inspection to the extent feasible. The Department
21 shall provide written approval for occupancy to the applicant
22 within 5 working days of the Department's final inspection,
23 provided the applicant has demonstrated substantial compliance
24 as defined by Department rule. Occupancy of new major
25 construction is prohibited until Department approval is
26 received, unless the Department has not acted within the time

1 frames provided in this subsection (g), in which case the
2 construction shall be deemed approved. Occupancy shall be
3 authorized after any required health inspection by the
4 Department has been conducted.

5 (h) The Department shall establish, by rule, a procedure
6 to conduct interim on site review of large or complex
7 construction projects.

8 (i) The Department shall establish, by rule, an expedited
9 process for emergency repairs or replacement of like
10 equipment.

11 (j) Nothing in this Section shall be construed to apply to
12 maintenance, upkeep, or renovation that does not affect the
13 structural integrity of the building, does not add beds or
14 services over the number for which the facility is licensed,
15 and provides a reasonable degree of safety for the residents.

16 (Source: P.A. 103-1, eff. 4-27-23.)

17 Section 20. The ID/DD Community Care Act is amended by
18 changing Section 3-202.5 as follows:

19 (210 ILCS 47/3-202.5)

20 Sec. 3-202.5. Facility plan review; fees.

21 (a) Before commencing construction of a new facility or
22 specified types of alteration or additions to an existing long
23 term care facility involving major construction, as defined by
24 rule by the Department, with an estimated cost greater than

1 \$100,000, architectural drawings and specifications for the
2 facility shall be submitted to the Department for review and
3 approval. A facility may submit architectural drawings and
4 specifications for other construction projects for Department
5 review according to subsection (b) that shall not be subject
6 to fees under subsection (d). Review of drawings and
7 specifications shall be conducted by an employee of the
8 Department meeting the qualifications established by the
9 Department of Central Management Services class specifications
10 for such an individual's position or by a person contracting
11 with the Department who meets those class specifications.
12 Final approval of the drawings and specifications for
13 compliance with design and construction standards shall be
14 obtained from the Department before the alteration, addition,
15 or new construction is begun.

16 (b) The Department shall inform an applicant in writing
17 within 10 working days after receiving drawings and
18 specifications and the required fee, if any, from the
19 applicant whether the applicant's submission is complete or
20 incomplete. Failure to provide the applicant with this notice
21 within 10 working days shall result in the submission being
22 deemed complete for purposes of initiating the 60 day review
23 period under this Section. If the submission is incomplete,
24 the Department shall inform the applicant of the deficiencies
25 with the submission in writing. If the submission is complete
26 the required fee, if any, has been paid, the Department shall

1 approve or disapprove drawings and specifications submitted to
2 the Department no later than 60 days following receipt by the
3 Department. The drawings and specifications shall be of
4 sufficient detail, as provided by Department rule, to enable
5 the Department to render a determination of compliance with
6 design and construction standards under this Act. If the
7 Department finds that the drawings are not of sufficient
8 detail for it to render a determination of compliance, the
9 plans shall be determined to be incomplete and shall not be
10 considered for purposes of initiating the 60 day review
11 period. If a submission of drawings and specifications is
12 incomplete, the applicant may submit additional information.
13 The 60 day review period shall not commence until the
14 Department determines that a submission of drawings and
15 specifications is complete or the submission is deemed
16 complete. If the Department has not approved or disapproved
17 the drawings and specifications within 60 days, the
18 construction, major alteration, or addition shall be deemed
19 approved. If the drawings and specifications are disapproved,
20 the Department shall state in writing, with specificity, the
21 reasons for the disapproval. The entity submitting the
22 drawings and specifications may submit additional information
23 in response to the written comments from the Department or
24 request a reconsideration of the disapproval. A final decision
25 of approval or disapproval shall be made within 45 days of the
26 receipt of the additional information or reconsideration

1 request. If denied, the Department shall state the specific
2 reasons for the denial.

3 (c) The Department shall provide written approval for
4 occupancy pursuant to subsection (g) and shall not issue a
5 violation to a facility as a result of a licensure or complaint
6 survey based upon the facility's physical structure if:

7 (1) the Department reviewed and approved or deemed
8 approved the drawings and specifications for compliance
9 with design and construction standards;

10 (2) the construction, major alteration, or addition
11 was built as submitted;

12 (3) the law or rules have not been amended since the
13 original approval; and

14 (4) the conditions at the facility indicate that there
15 is a reasonable degree of safety provided for the
16 residents.

17 (d) The Department shall charge the following fees in
18 connection with its reviews conducted before June 30, 2004
19 under this Section:

20 (1) (Blank).

21 (2) (Blank).

22 (3) If the estimated dollar value of the alteration,
23 addition, or new construction is \$100,000 or more but less
24 than \$500,000, the fee shall be the greater of \$2,400 or
25 1.2% of that value.

26 (4) If the estimated dollar value of the alteration,

1 addition, or new construction is \$500,000 or more but less
2 than \$1,000,000, the fee shall be the greater of \$6,000 or
3 0.96% of that value.

4 (5) If the estimated dollar value of the alteration,
5 addition, or new construction is \$1,000,000 or more but
6 less than \$5,000,000, the fee shall be the greater of
7 \$9,600 or 0.22% of that value.

8 (6) If the estimated dollar value of the alteration,
9 addition, or new construction is \$5,000,000 or more, the
10 fee shall be the greater of \$11,000 or 0.11% of that value,
11 but shall not exceed \$40,000. The fees provided in this
12 subsection (d) shall not apply to major construction
13 projects involving facility changes that are required by
14 Department rule amendments. The fees provided in this
15 subsection (d) shall also not apply to major construction
16 projects if 51% or more of the estimated cost of the
17 project is attributed to capital equipment. For major
18 construction projects where 51% or more of the estimated
19 cost of the project is attributed to capital equipment,
20 the Department shall by rule establish a fee that is
21 reasonably related to the cost of reviewing the project.
22 The Department shall not commence the facility plan review
23 process under this Section until the applicable fee has
24 been paid.

25 (e) All fees received by the Department under this Section
26 shall be deposited into the Health Facility Plan Review Fund,

1 a special fund created in the State Treasury. All fees paid by
2 long term care facilities under subsection (d) shall be used
3 only to cover the costs relating to the Department's review of
4 long term care facility projects under this Section. Moneys
5 shall be appropriated from that Fund to the Department only to
6 pay the costs of conducting reviews under this Section,
7 Section 3-202.5 of the MC/DD Act, Section 21 of the Assisted
8 Living and Shared Housing Act, or under Section 3-202.5 of the
9 Nursing Home Care Act. None of the moneys in the Health
10 Facility Plan Review Fund shall be used to reduce the amount of
11 General Revenue Fund moneys appropriated to the Department for
12 facility plan reviews conducted pursuant to this Section.

13 (f) (Blank).

14 (g) The Department shall conduct an on site inspection of
15 the completed project no later than 30 days after notification
16 from the applicant that the project has been completed and all
17 certifications required by the Department have been received
18 and accepted by the Department. The Department shall provide
19 written approval for occupancy to the applicant within 5
20 working days of the Department's final inspection, provided
21 the applicant has demonstrated substantial compliance as
22 defined by Department rule. Occupancy of new major
23 construction is prohibited until Department approval is
24 received, unless the Department has not acted within the time
25 frames provided in this subsection (g), in which case the
26 construction shall be deemed approved. Occupancy shall be

1 authorized after any required health inspection by the
2 Department has been conducted.

3 (h) The Department shall establish, by rule, a procedure
4 to conduct interim on site review of large or complex
5 construction projects.

6 (i) The Department shall establish, by rule, an expedited
7 process for emergency repairs or replacement of like
8 equipment.

9 (j) Nothing in this Section shall be construed to apply to
10 maintenance, upkeep, or renovation that does not affect the
11 structural integrity of the building, does not add beds or
12 services over the number for which the long term care facility
13 is licensed, and provides a reasonable degree of safety for
14 the residents.

15 (Source: P.A. 96-339, eff. 7-1-10.)".