



Sen. Antonio Muñoz

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09700HB1489sam003

LRB097 09341 PJG 69922 a

1 AMENDMENT TO HOUSE BILL 1489

2 AMENDMENT NO. _____. Amend House Bill 1489, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

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

7 (20 ILCS 3960/5) (from Ch. 111 1/2, par. 1155)

8 (Section scheduled to be repealed on December 31, 2019)

9 Sec. 5. Construction, modification, or establishment of
10 health care facilities or acquisition of major medical
11 equipment; permits or exemptions. No person shall construct,
12 modify or establish a health care facility or acquire major
13 medical equipment without first obtaining a permit or exemption
14 from the State Board. The State Board shall not delegate to the
15 staff of the State Board or any other person or entity the
16 authority to grant permits or exemptions whenever the staff or

1 other person or entity would be required to exercise any
2 discretion affecting the decision to grant a permit or
3 exemption. The State Board may, by rule, delegate authority to
4 the Chairman to grant permits or exemptions when applications
5 meet all of the State Board's review criteria and are
6 unopposed.

7 A permit or exemption shall be obtained prior to the
8 acquisition of major medical equipment or to the construction
9 or modification of a health care facility which:

10 (a) requires a total capital expenditure in excess of
11 the capital expenditure minimum; or

12 (b) substantially changes the scope or changes the
13 functional operation of the facility; or

14 (c) changes the bed capacity of a health care facility
15 by increasing the total number of beds or by distributing
16 beds among various categories of service or by relocating
17 beds from one physical facility or site to another by more
18 than 20 beds or more than 10% of total bed capacity as
19 defined by the State Board, whichever is less, over a 2
20 year period.

21 A permit shall be valid only for the defined construction
22 or modifications, site, amount and person named in the
23 application for such permit and shall not be transferable or
24 assignable. A permit shall not be deemed transferred or
25 assigned if the permit continues to be held by a business
26 corporation that undergoes a change in shareholders, provided

1 that a majority of the board of directors of the business
2 corporation following the change in shareholders were
3 directors of the business corporation prior to the change in
4 shareholders and the chief executive officer, chief medical
5 officer, and general counsel remain in place. A permit shall be
6 valid until such time as the project has been completed,
7 provided that (a) obligation of the project occurs within 12
8 months following issuance of the permit except for major
9 construction projects such obligation must occur within 18
10 months following issuance of the permit; and (b) the project
11 commences and proceeds to completion with due diligence. To
12 monitor progress toward project commencement and completion,
13 routine post-permit reports shall be limited to annual progress
14 reports and the final completion and cost report. Projects may
15 deviate from the costs, fees, and expenses provided in their
16 project cost information for the project's cost components,
17 provided that the final total project cost does not exceed the
18 approved permit amount. Major construction projects, for the
19 purposes of this Act, shall include but are not limited to:
20 projects for the construction of new buildings; additions to
21 existing facilities; modernization projects whose cost is in
22 excess of \$1,000,000 or 10% of the facilities' operating
23 revenue, whichever is less; and such other projects as the
24 State Board shall define and prescribe pursuant to this Act.
25 The State Board may extend the obligation period upon a showing
26 of good cause by the permit holder. Permits for projects that

1 have not been obligated within the prescribed obligation period
2 shall expire on the last day of that period.

3 The acquisition by any person of major medical equipment
4 that will not be owned by or located in a health care facility
5 and that will not be used to provide services to inpatients of
6 a health care facility shall be exempt from review provided
7 that a notice is filed in accordance with exemption
8 requirements.

9 Notwithstanding any other provision of this Act, no permit
10 or exemption is required for the construction or modification
11 of a non-clinical service area of a health care facility.

12 (Source: P.A. 96-31, eff. 6-30-09.)

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