



Rep. Brandon W. Phelps

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1 AMENDMENT TO HOUSE BILL 3510

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3510, 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 12 as follows:

7 (20 ILCS 3960/12) (from Ch. 111 1/2, par. 1162)

8 (Section scheduled to be repealed on December 31, 2019)

9 Sec. 12. Powers and duties of State Board. For purposes of  
10 this Act, the State Board shall exercise the following powers  
11 and duties:

12 (1) Prescribe rules, regulations, standards, criteria,  
13 procedures or reviews which may vary according to the purpose  
14 for which a particular review is being conducted or the type of  
15 project reviewed and which are required to carry out the  
16 provisions and purposes of this Act. Policies and procedures of

1 the State Board shall take into consideration the priorities  
2 and needs of medically underserved areas and other health care  
3 services identified through the comprehensive health planning  
4 process, giving special consideration to the impact of projects  
5 on access to safety net services.

6 (2) Adopt procedures for public notice and hearing on all  
7 proposed rules, regulations, standards, criteria, and plans  
8 required to carry out the provisions of this Act.

9 (3) (Blank).

10 (4) Develop criteria and standards for health care  
11 facilities planning, conduct statewide inventories of health  
12 care facilities, maintain an updated inventory on the Board's  
13 web site reflecting the most recent bed and service changes and  
14 updated need determinations when new census data become  
15 available or new need formulae are adopted, and develop health  
16 care facility plans which shall be utilized in the review of  
17 applications for permit under this Act. Such health facility  
18 plans shall be coordinated by the Board with pertinent State  
19 Plans. Inventories pursuant to this Section of skilled or  
20 intermediate care facilities licensed under the Nursing Home  
21 Care Act, skilled or intermediate care facilities licensed  
22 under the ID/DD Community Care Act, facilities licensed under  
23 the Specialized Mental Health Rehabilitation Act, or nursing  
24 homes licensed under the Hospital Licensing Act shall be  
25 conducted on an annual basis no later than July 1 of each year  
26 and shall include among the information requested a list of all

1 services provided by a facility to its residents and to the  
2 community at large and differentiate between active and  
3 inactive beds.

4 In developing health care facility plans, the State Board  
5 shall consider, but shall not be limited to, the following:

6 (a) The size, composition and growth of the population  
7 of the area to be served;

8 (b) The number of existing and planned facilities  
9 offering similar programs;

10 (c) The extent of utilization of existing facilities;

11 (d) The availability of facilities which may serve as  
12 alternatives or substitutes;

13 (e) The availability of personnel necessary to the  
14 operation of the facility;

15 (f) Multi-institutional planning and the establishment  
16 of multi-institutional systems where feasible;

17 (g) The financial and economic feasibility of proposed  
18 construction or modification; and

19 (h) In the case of health care facilities established  
20 by a religious body or denomination, the needs of the  
21 members of such religious body or denomination may be  
22 considered to be public need.

23 The health care facility plans which are developed and  
24 adopted in accordance with this Section shall form the basis  
25 for the plan of the State to deal most effectively with  
26 statewide health needs in regard to health care facilities.

1           (5) Coordinate with the Center for Comprehensive Health  
2 Planning and other state agencies having responsibilities  
3 affecting health care facilities, including those of licensure  
4 and cost reporting. Beginning no later than January 1, 2013,  
5 the Department of Public Health shall produce a written annual  
6 report to the Governor and the General Assembly regarding the  
7 development of the Center for Comprehensive Health Planning.  
8 The Chairman of the State Board and the State Board  
9 Administrator shall also receive a copy of the annual report.

10           (6) Solicit, accept, hold and administer on behalf of the  
11 State any grants or bequests of money, securities or property  
12 for use by the State Board or Center for Comprehensive Health  
13 Planning in the administration of this Act; and enter into  
14 contracts consistent with the appropriations for purposes  
15 enumerated in this Act.

16           (7) The State Board shall prescribe procedures for review,  
17 standards, and criteria which shall be utilized to make  
18 periodic reviews and determinations of the appropriateness of  
19 any existing health services being rendered by health care  
20 facilities subject to the Act. The State Board shall consider  
21 recommendations of the Board in making its determinations.

22           (8) Prescribe, in consultation with the Center for  
23 Comprehensive Health Planning, rules, regulations, standards,  
24 and criteria for the conduct of an expeditious review of  
25 applications for permits for projects of construction or  
26 modification of a health care facility, which projects are

1 classified as emergency, substantive, or non-substantive in  
2 nature.

3 Six months after June 30, 2009 (the effective date of  
4 Public Act 96-31), substantive projects shall include no more  
5 than the following:

6 (a) Projects to construct (1) a new or replacement  
7 facility located on a new site or (2) a replacement  
8 facility located on the same site as the original facility  
9 and the cost of the replacement facility exceeds the  
10 capital expenditure minimum, which shall be reviewed by the  
11 Board within 120 days;

12 (b) Projects proposing a (1) new service within an  
13 existing healthcare facility or (2) discontinuation of a  
14 service within an existing healthcare facility, which  
15 shall be reviewed by the Board within 60 days; or

16 (c) Projects proposing a change in the bed capacity of  
17 a health care facility by an increase in the total number  
18 of beds or by a redistribution of beds among various  
19 categories of service or by a relocation of beds from one  
20 physical facility or site to another by more than 20 beds  
21 or more than 10% of total bed capacity, as defined by the  
22 State Board, whichever is less, over a 2-year period.

23 The Chairman may approve applications for exemption that  
24 meet the criteria set forth in rules or refer them to the full  
25 Board. The Chairman may approve any unopposed application that  
26 meets all of the review criteria or refer them to the full

1 Board.

2 Such rules shall not abridge the right of the Center for  
3 Comprehensive Health Planning to make recommendations on the  
4 classification and approval of projects, nor shall such rules  
5 prevent the conduct of a public hearing upon the timely request  
6 of an interested party. Such reviews shall not exceed 60 days  
7 from the date the application is declared to be complete.

8 (9) Prescribe rules, regulations, standards, and criteria  
9 pertaining to the granting of permits for construction and  
10 modifications which are emergent in nature and must be  
11 undertaken immediately to prevent or correct structural  
12 deficiencies or hazardous conditions that may harm or injure  
13 persons using the facility, as defined in the rules and  
14 regulations of the State Board. This procedure is exempt from  
15 public hearing requirements of this Act.

16 (10) Prescribe rules, regulations, standards and criteria  
17 for the conduct of an expeditious review, not exceeding 60  
18 days, of applications for permits for projects to construct or  
19 modify health care facilities which are needed for the care and  
20 treatment of persons who have acquired immunodeficiency  
21 syndrome (AIDS) or related conditions.

22 (11) Issue written decisions upon request of the applicant  
23 or an adversely affected party to the Board. Requests for a  
24 written decision shall be made within 15 days after the Board  
25 meeting in which a final decision has been made. A "final  
26 decision" for purposes of this Act is the decision to approve

1 or deny an application, or take other actions permitted under  
2 this Act, at the time and date of the meeting that such action  
3 is scheduled by the Board. State Board members shall provide  
4 their rationale when voting on an item before the State Board  
5 at a State Board meeting in order to comply with subsection (b)  
6 of Section 3-108 of the Administrative Review Law of the Code  
7 of Civil Procedure. The transcript of the State Board meeting  
8 shall be incorporated into the Board's final decision. The  
9 staff of the Board shall prepare a written copy of the final  
10 decision and the Board shall approve a final copy for inclusion  
11 in the formal record. The Board shall consider, for approval,  
12 the written draft of the final decision no later than the next  
13 scheduled Board meeting. The written decision shall identify  
14 the applicable criteria and factors listed in this Act and the  
15 Board's regulations that were taken into consideration by the  
16 Board when coming to a final decision. If the Board denies or  
17 fails to approve an application for permit or exemption, the  
18 Board shall include in the final decision a detailed  
19 explanation as to why the application was denied and identify  
20 what specific criteria or standards the applicant did not  
21 fulfill.

22 (12) Require at least one of its members to participate in  
23 any public hearing, after the appointment of a majority of the  
24 members to the Board.

25 (13) Provide a mechanism for the public to comment on, and  
26 request changes to, draft rules and standards.

1           (14) Implement public information campaigns to regularly  
2 inform the general public about the opportunity for public  
3 hearings and public hearing procedures.

4           (15) Establish a separate set of rules and guidelines for  
5 long-term care that recognizes that nursing homes are a  
6 different business line and service model from other regulated  
7 facilities. An open and transparent process shall be developed  
8 that considers the following: how skilled nursing fits in the  
9 continuum of care with other care providers, modernization of  
10 nursing homes, establishment of more private rooms,  
11 development of alternative services, and current trends in  
12 long-term care services. The Chairman of the Board shall  
13 appoint a permanent Health Services Review Board Long-term Care  
14 Facility Advisory Subcommittee that shall develop and  
15 recommend to the Board the rules to be established by the Board  
16 under this paragraph (15). The Subcommittee shall also provide  
17 continuous review and commentary on policies and procedures  
18 relative to long-term care and the review of related projects.  
19 The Subcommittee shall make recommendations to the Board no  
20 later than January 1, 2016 and every January thereafter  
21 pursuant to the Subcommittee's responsibility for the  
22 continuous review and commentary on policies and procedures  
23 relative to long-term care. In consultation with other experts  
24 from the health field of long-term care, the Board and the  
25 Subcommittee shall study new approaches to the current bed need  
26 formula and Health Service Area boundaries to encourage



1 flexibility and innovation in design models reflective of the  
2 changing long-term care marketplace and consumer preferences  
3 and submit its recommendations to the Chairman of the Board no  
4 later than January 1, 2017. The Subcommittee shall evaluate,  
5 and make recommendations to the State Board regarding, the  
6 buying, selling, and exchange of beds between long-term care  
7 facilities within a specified geographic area or drive time.  
8 The Board shall file the proposed related administrative rules  
9 for the separate rules and guidelines for long-term care  
10 required by this paragraph (15) by no later than September 30,  
11 2011. The Subcommittee shall be provided a reasonable and  
12 timely opportunity to review and comment on any review,  
13 revision, or updating of the criteria, standards, procedures,  
14 and rules used to evaluate project applications as provided  
15 under Section 12.3 of this Act.

16 The Chairman of the Board shall appoint voting members of  
17 the Subcommittee, who shall serve for a period of 3 years, with  
18 one-third of the terms expiring each January, to be determined  
19 by lot. Appointees shall include, but not be limited to,  
20 recommendations from each of the 3 statewide long-term care  
21 associations, with an equal number to be appointed from each.  
22 Compliance with this provision shall be through the appointment  
23 and reappointment process. All appointees serving as of April  
24 1, 2015 shall serve to the end of their term as determined by  
25 lot or until the appointee voluntarily resigns, whichever is  
26 earlier.

1        One representative from the Department of Public Health,  
2        the Department of Healthcare and Family Services, the  
3        Department on Aging, and the Department of Human Services may  
4        each serve as an ex-officio non-voting member of the  
5        Subcommittee. The Chairman of the Board shall select a  
6        Subcommittee Chair, who shall serve for a period of 3 years.

7        (16) Prescribe and provide forms pertaining to the State  
8        Board Staff Report. A State Board Staff Report shall pertain to  
9        applications that include, but are not limited to, applications  
10       for permit or exemption, applications for permit renewal,  
11       applications for extension of the obligation period,  
12       applications requesting a declaratory ruling, or applications  
13       under the Health Care Worker Self-Referral ~~Self-Referral~~ Act.  
14       State Board Staff Reports shall compare applications to the  
15       relevant review criteria under the Board's rules.

16       (17) ~~(16)~~ Establish a separate set of rules and guidelines  
17       for facilities licensed under the Specialized Mental Health  
18       Rehabilitation Act of 2013. An application for the  
19       re-establishment of a facility in connection with the  
20       relocation of the facility shall not be granted unless the  
21       applicant has a contractual relationship with at least one  
22       hospital to provide emergency and inpatient mental health  
23       services required by facility consumers, and at least one  
24       community mental health agency to provide oversight and  
25       assistance to facility consumers while living in the facility,  
26       and appropriate services, including case management, to assist

1 them to prepare for discharge and reside stably in the  
2 community thereafter. No new facilities licensed under the  
3 Specialized Mental Health Rehabilitation Act of 2013 shall be  
4 established after June 16, 2014 (the effective date of Public  
5 Act 98-651) ~~this amendatory Act of the 98th General Assembly~~  
6 except in connection with the relocation of an existing  
7 facility to a new location. An application for a new location  
8 shall not be approved unless there are adequate community  
9 services accessible to the consumers within a reasonable  
10 distance, or by use of public transportation, so as to  
11 facilitate the goal of achieving maximum individual self-care  
12 and independence. At no time shall the total number of  
13 authorized beds under this Act in facilities licensed under the  
14 Specialized Mental Health Rehabilitation Act of 2013 exceed the  
15 number of authorized beds on June 16, 2014 (the effective date  
16 of Public Act 98-651) ~~this amendatory Act of the 98th General~~  
17 ~~Assembly.~~

18 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-813,  
19 eff. 7-13-12; 97-1045, eff. 8-21-13; 97-1115, eff. 8-27-12;  
20 98-414, eff. 1-1-14; 98-463, eff. 8-16-13; 98-651, eff.  
21 6-16-14; 98-1086, eff. 8-26-14; revised 10-1-14.)

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law."