

1 AN ACT concerning health facilities.

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

4 Section 5. The Hospital Licensing Act is amended by
5 changing Section 8 as follows:

6 (210 ILCS 85/8) (from Ch. 111 1/2, par. 149)

7 Sec. 8. Facility plan review; fees.

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

27 (b) The Department shall inform an applicant in writing
28 within 10 working days after receiving drawings and
29 specifications and the required fee, if any, from the
30 applicant whether the applicant's submission is complete or
31 incomplete. Failure to provide the applicant with this

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

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

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

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

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

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

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

19 (1) (Blank).

20 (2) (Blank).

21 (3) If the estimated dollar value of the major
 22 alteration, addition, or new construction is greater
 23 \$100,000 or more but less than \$500,000, the fee shall be
 24 established by the Department pursuant to rules that
 25 reflect the reasonable and direct cost of the Department
 26 in conducting the architectural reviews required under
 27 this Section. The estimated dollar value of the major
 28 construction subject to review under this Section shall
 29 be annually readjusted to reflect the increase in
 30 construction costs due to inflation the greater of \$2,400
 31 or 1.2% of that value.

32 (4) ~~If the estimated dollar value of the~~
 33 ~~alteration, addition, or new construction is \$500,000 or~~
 34 ~~more but less than \$1,000,000, the fee shall be the~~

1 greater-of-\$6,000-or-0.96%-of-that-value.

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

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

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

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

20 The Department shall not commence the facility plan
21 review process under this Section until the applicable fee
22 has been paid.

23 (e) All fees received by the Department under this
24 Section shall be deposited into the Health Facility Plan
25 Review Fund, a special fund created in the State treasury.
26 All fees paid by hospitals under subsection (d) shall be used
27 only to cover the direct and reasonable costs relating to the
28 Department's review of hospital projects under this Section.
29 Moneys shall be appropriated from that Fund to the Department
30 only to pay the costs of conducting reviews under this
31 Section. None of the moneys in the Health Facility Plan
32 Review Fund shall be used to reduce the amount of General
33 Revenue Fund moneys appropriated to the Department for
34 facility plan reviews conducted pursuant to this Section.

1 (f) (Blank). (1) ~~The provisions of this amendatory Act~~
2 ~~of 1997 concerning drawings and specifications shall~~
3 ~~apply only to drawings and specifications submitted to~~
4 ~~the Department on or after October 17, 1997.~~

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

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

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

31 (i) The Department shall establish, by rule, an
32 expedited process for emergency repairs or replacement of
33 like equipment.

34 (j) Nothing in this Section shall be construed to apply

1 to maintenance, upkeep, or renovation that does not affect
2 the structural integrity of the building, does not add beds
3 or services over the number for which the facility is
4 licensed, and provides a reasonable degree of safety for the
5 patients.

6 (Source: P.A. 90-327, eff. 8-8-97; 90-600, eff. 6-25-98;
7 91-712, eff. 7-1-00.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.