

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.