**Section 300.140 Issuance of an Initial License for a New Facility**

a) *Upon receipt and review of an application for a license made under* the Act *and inspection of the applicant facility under* the Act*, the Director* will *issue a* probationary *license if* the Director *finds that:*

1) *The individual applicant, or the corporation, partnership or other entity if the applicant is not an individual, is a person responsible and suitable to operate or to direct or participate in the operation of a facility by virtue of financial capacity, appropriate business or professional experience, a record of compliance with lawful orders of the Department and lack of revocation of a license during the previous five years;*

2) *The facility is under the supervision of an administrator who is licensed, if required, under the Nursing Home Administrators Licensing and Disciplinary Act*; *and*

3) *The facility is in substantial compliance with* the *Act* and this Part*.* (Section 3-109 of the Act)

b) *If the applicant has not been previously licensed or if the facility is not in operation at the time application is made, the Department* will *issue only a probationary license. A probationary license shall be valid for 120 days unless sooner suspended or revoked under Section 3-119* of the Act. (Section 3-116 of the Act.

c) *Within 30 days prior to the termination of a probationary license, the Department will fully and completely inspect the facility and, if the facility meets the applicable requirements for licensure,* will *issue a license under Section 3-109 of the Act, except that, during a statewide public health emergency, as defined in the Illinois Emergency Management Agency Act, the Department* will *fully and completely inspect the* facility *within appropriate time frames to the extent feasible.* (Section 3-116 of the Act) If the facility is not in compliance and satisfactory progress toward compliance is not being made, the Department will allow the probationary license to expire.

d) *If the Department finds that the facility does not meet the requirements for licensure but has made substantial progress toward meeting those requirements, the license may be renewed once for a period not to exceed 120 days from the expiration date of the initial probationary license.* (Section 3-116 of the Act) Under no condition will more than two successive probationary licenses be issued.

e) The licensee shall qualify for issuance of a two-year license if the licensee has met the criteria contained in Section 3-110(b) of the Act for the last twenty-four consecutive months.

(Source: Amended at 48 Ill. Reg. 3317, effective February 16, 2024)