**Section 380.700 Licensure Application Requirements**

a) The *Act provides for licensure of long term care facilities that are federally designated as institutions for mental disease on* July 22, 2013 *and specialize in providing services to individuals with a serious mental illness*.

b) *All consent decrees that apply to facilities federally designated as institutions for mental disease shall continue to apply to facilities licensed under* the *Act* and this Part. (Section 1-101.5 of the Act)

c) *No person may establish, operate, maintain, offer, or advertise a facility within this State unless and until he or she obtains a valid license, which license remains unsuspended, unrevoked, and unexpired. No public official or employee may place any person in, or recommend that any person be in, or directly or indirectly cause any person to be placed in any facility that is being operated without a valid license*. (Section 4-102 of the Act)

1) A facility whose license has been successfully revoked is disqualified from obtaining a provisional license under the Act and this Part.

2) A facility with a pending Notice of Revocation and Opportunity for Hearing is disqualified from obtaining a provisional license until the Notice of Revocation is resolved, including, but not limited to, a voluntary withdrawal of the Notice of Revocation by the Department or a successful appeal of the Notice of Revocation by the facility.

d) *All licenses and licensing procedures established under Article III of the Nursing Home Care Act, except those contained in Section 3-202* of the Nursing Home Care Act*, shall be deemed valid under* the *Act* and this Part *until the Department establishes licensure. The Department is granted the authority under* the *Act* and this Part *to establish provisional licensure and licensing procedures under* the *Act* and this Part. (Section 4-102 of the Act)

1) All facilities that are federally designated as institutions for mental disease, and that were previously certified under Subpart T of 77 Ill. Adm. Code 300, shall apply for provisional licensure under the Act and this Part.

2) All facilities that are federally designated as institutions for mental disease that are currently certified under Subpart S of 77 Ill. Adm. Code 300 shall apply for provisional licensure under the Act and this Part.

e) *The Department shall be the sole agency responsible for licensure*. Licensure shall be *in accordance with* the *Act for the purpose of*:

1) *Protecting the health, welfare, and safety of consumers; and*

2) *Ensuring the accountability for reimbursed care provided in facilities*. (Section 4-101 of the Act)

f) Provisions of this Part establishing requirements for provisional licenses are effective for no more than three years pursuant to the Act and Section 380.710(b).

g) The Department will issue no more than 24 licenses statewide for specialized mental health rehabilitation facilities, in accordance with the Act and this Part.

h) Pursuant to Section 4-102 of the Act, a new provisional license application is required upon initial licensure as a specialized mental health rehabilitation facility and whenever there is a change of ownership, in licensed bed capacity, in services provided, or of location.

i) The application shall be under oath, and the submission of false or misleading information shall be a Class A misdemeanor. The application, in a form prescribed by the Department, shall contain the following information:

1) The name, or proposed name, and address of the facility;

2) The name, residence and mailing address of the applicant;

3) If the applicant is a partnership, the name and principal business address of each partner;

4) If the applicant is a corporation or association, the name, title and business address of each officer and member of the governing board;

5) If, at the time of application, the applicant is associated with a clinical or operational management company, the name of the company, manager, principle business address, and written copies of consulting arrangements.

A) For the purposes of this Section, "associated" means employed by or in a contractual relationship with a clinical or operational management company.

B) The applicant shall submit to the Department written copies of all employment agreements and contracts in effect between the applicant and a clinical or operational management company. If, following the time of application, an applicant becomes employed by or enters into a contractual relationship with a clinical or operational management company, he or she shall inform the Department and submit all required documentation to the Department;

6) The name and address of the owner or owners of the facility premises, if the applicant is leasing or renting;

7) A written plan of operation as specified in Section 380.720;

8) A financial statement setting forth the financial condition of the applicant, demonstrating that the applicant's ability to maintain *the minimum financial or other resources necessary to meet the standards established under* the *Act* and this Part (Section 2-101(7) of the Act);

9) Documentation that a needs assessment survey was performed within the community in which the facility is located, justifying the levels of service to be provided; and

10) A non-refundable license fee of $5,700.

(Source: Amended at 43 Ill. Reg. 1651, effective January 18, 2019)