

1 AN ACT in relation to health facilities.

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

4 Section 2. The Department of Public Health Powers and
5 Duties Law of the Civil Administrative Code of Illinois is
6 amended by changing Section 2310-560 as follows:

7 (20 ILCS 2310/2310-560) (was 20 ILCS 2310/55.87)

8 Sec. 2310-560. Advisory committees ~~committee~~ concerning
9 construction of facilities.

10 (a) The Director shall appoint an advisory committee.
11 The committee shall be established by the Department by rule.
12 The Director and the Department shall consult with the
13 advisory committee concerning the application of building
14 codes and Department rules related to those building codes to
15 facilities under the Ambulatory Surgical Treatment Center Act
16 and, the Nursing Home Care Act, ~~and the Hospital Licensing~~
17 ~~Act.~~

18 (b) The Director shall appoint an advisory committee to
19 advise the Department and to conduct informal dispute
20 resolution concerning the application of building codes for
21 new and existing construction and related Department rules
22 and standards under the Hospital Licensing Act, including
23 without limitation rules and standards for (i) design and
24 construction, (ii) engineering and maintenance of the
25 physical plant, site, equipment, and systems (heating,
26 cooling, electrical, ventilation, plumbing, water, sewer, and
27 solid waste disposal), and (iii) fire and safety. The
28 advisory committee shall be composed of all of the following
29 members:

30 (1) The chairperson or an elected representative
31 from the Hospital Licensing Board under the Hospital

1 Licensing Act.

2 (2) Two health care architects with a minimum of 10
3 years of experience in institutional design and building
4 code analysis.

5 (3) Two engineering professionals (one mechanical
6 and one electrical) with a minimum of 10 years of
7 experience in institutional design and building code
8 analysis.

9 (4) One commercial interior design professional
10 with a minimum of 10 years of experience.

11 (5) Two representatives from provider associations.

12 (6) The Director or his or her designee, who shall
13 serve as the committee moderator.

14 Appointments shall be made with the concurrence of the
15 Hospital Licensing Board. The committee shall submit
16 recommendations concerning the application of building codes
17 and related Department rules and standards to the Hospital
18 Licensing Board for review and comment prior to submission to
19 the Department. The committee shall submit recommendations
20 concerning informal dispute resolution to the Director. The
21 Department shall provide per diem and travel expenses to the
22 committee members.

23 (Source: P.A. 90-327, eff. 8-8-97; 90-655, eff. 7-30-98;
24 91-239, eff. 1-1-00.)

25 Section 3. The Illinois Building Commission Act is
26 amended by changing Sections 5, 25, and 50 and adding Section
27 47 as follows:

28 (20 ILCS 3918/5)

29 Sec. 5. Definitions. When used in this Act:

30 "Commission" means the Illinois Building Commission.

31 "State agency" has the same meaning as in Section 1-7 of
32 the Illinois State Auditing Act.

1 "State building requirements" means any law, rule, or
2 executive order implemented by the State of Illinois
3 affecting the construction of buildings in Illinois.

4 "Health care provider" means a hospital as defined in the
5 Hospital Licensing Act.

6 (Source: P.A. 90-269, eff. 1-1-98.)

7 (20 ILCS 3918/25)

8 Sec. 25. Forum; dispute resolution. The Commission shall
9 provide an ongoing forum for continuing dialogue regarding
10 the purpose and duties of the Commission. The Commission
11 shall also serve as a forum to suggest resolution of
12 conflicts between State agencies, or between a State agency
13 and another entity that consents to the resolution forum,
14 concerning State building requirements. As used in this
15 Section, for dispute resolution arising out of Section 8 or
16 8.5 of the Hospital Licensing Act, "building requirements"
17 includes the application of building codes for new and
18 existing construction and related Department rules and
19 standards under the Hospital Licensing Act, including without
20 limitation rules and standards for (i) design and
21 construction, (ii) engineering and maintenance of the
22 physical plant, site, equipment, and systems (heating,
23 cooling, electrical, ventilation, plumbing, water, sewer, and
24 solid waste disposal), and (iii) fire and safety.

25 If the suggested resolution of a conflict between the
26 Department of Public Health and a health care provider is to
27 (i) accept an equivalency determined by the Fire Safety
28 Evaluation System, (ii) waive State rules or standards, or
29 (iii) seek a waiver of federal rules or standards, the
30 Commission may take steps it deems reasonably necessary to
31 facilitate the suggested resolution, including preparing a
32 waiver request and directing the Department of Public Health
33 to recommend the request to the appropriate federal agency.

1 (Source: P.A. 90-269, eff. 1-1-98.)

2 (20 ILCS 3918/47 new)

3 Sec. 47. Rules. The Commission may adopt any rules
4 necessary for the administration of this Act.

5 (20 ILCS 3918/50)

6 Sec. 50. The Illinois Building Commission Revolving
7 Fund. The Illinois Building Commission Revolving Fund is
8 created in the State treasury. The Illinois Building
9 Commission may establish fees, each of which may not exceed
10 \$250 ~~or an amount approved by the Joint Committee on~~
11 ~~Administrative Rules~~, for services provided in fulfilling its
12 mandate under this Act, except that for dispute resolution
13 between the Illinois Department of Public Health and a health
14 care provider, the Commission may establish fees to be paid
15 by the health care provider, which may not exceed \$10,000.

16 All fees collected by the Commission shall be deposited into
17 the Illinois Building Commission Revolving Fund. The
18 Commission may also accept donations or moneys from any other
19 source for deposit into this fund. All interest accrued on
20 the fees, donations, and other deposits to the Illinois
21 Building Commission Revolving Fund shall be deposited into
22 the fund. All moneys in the Illinois Building Commission
23 Revolving Fund may be used, subject to appropriation by the
24 General Assembly, to carry out the activities of the Act,
25 including the expenses of the Illinois Building Commission, a
26 clearinghouse on State building requirements, or other
27 purposes consistent with this Act.

28 (Source: P.A. 91-581, eff. 8-14-99.)

29 Section 5. The Hospital Licensing Act is amended by
30 changing Section 8 and adding Sections 7.5, 8.5, 9.2, and 9.3
31 as follows:

1 (210 ILCS 85/7.5 new)

2 Sec. 7.5. Fire Safety Evaluation System. Upon request by
3 a hospital, the Department, if applicable, must evaluate or
4 allow for an evaluation of compliance with the Life Safety
5 Code using the Fire Safety Evaluation System.

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
32 notice within 10 working days shall result in the submission
33 being deemed complete for purposes of initiating the 60-day

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

1 Act, which the Department must participate in.

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

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

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

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

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

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

20 (1) (Blank).

21 (2) (Blank).

22 (3) If the estimated dollar value of the
23 alteration, addition, or new construction is \$100,000 or
24 more but less than \$500,000, the fee shall be the greater
25 of \$2,400 or 1.2% of that value.

26 (4) If the estimated dollar value of the
27 alteration, addition, or new construction is \$500,000 or
28 more but less than \$1,000,000, the fee shall be the
29 greater of \$6,000 or 0.96% of that value.

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

34 (6) If the estimated dollar value of the

1 alteration, addition, or new construction is \$5,000,000
2 or more, the fee shall be the greater of \$11,000 or 0.11%
3 of that value, but shall not exceed \$40,000.

4 The fees provided in this subsection (d) shall not apply
5 to major construction projects involving facility changes
6 that are required by Department rule amendments or to
7 projects related to homeland security.

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

15 Disproportionate share hospitals and rural hospitals
16 shall only pay one-half of the fees required in this
17 subsection (d). For the purposes of this subsection (d), (i)
18 "disproportionate share hospital" means a hospital described
19 in items (1) through (5) of subsection (b) of Section 5-5.02
20 of the Illinois Public Aid Code and (ii) "rural hospital"
21 means a hospital that is (A) located outside a metropolitan
22 statistical area or (B) located 15 miles or less from a
23 county that is outside a metropolitan statistical area and is
24 licensed to perform medical/surgical or obstetrical services
25 and has a combined total bed capacity of 75 or fewer beds in
26 these 2 service categories as of July 14, 1993, as determined
27 by the Department.

28 The Department shall not commence the facility plan
29 review process under this Section until the applicable fee
30 has been paid.

31 (e) All fees received by the Department under this
32 Section shall be deposited into the Health Facility Plan
33 Review Fund, a special fund created in the State treasury.
34 All fees paid by hospitals under subsection (d) shall be used

1 only to cover the costs relating to the Department's review
2 of hospital projects under this Section. Moneys shall be
3 appropriated from that Fund to the Department only to pay the
4 costs of conducting reviews under this Section. None of the
5 moneys in the Health Facility Plan Review Fund shall be used
6 to reduce the amount of General Revenue Fund moneys
7 appropriated to the Department for facility plan reviews
8 conducted pursuant to this Section.

9 (f) (1) The provisions of this amendatory Act of 1997
10 concerning drawings and specifications shall apply only
11 to drawings and specifications submitted to the
12 Department on or after October 1, 1997.

13 (2) On and after the effective date of this
14 amendatory Act of 1997 and before October 1, 1997, an
15 applicant may submit or resubmit drawings and
16 specifications to the Department and pay the fees
17 provided in subsection (d). If an applicant pays the
18 fees provided in subsection (d) under this paragraph (2),
19 the provisions of subsection (b) shall apply with regard
20 to those drawings and specifications.

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

1 inspection by the Department has been conducted.

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

5 (i) The Department shall establish, by rule, an
6 expedited process for emergency repairs or replacement of
7 like equipment.

8 (j) Nothing in this Section shall be construed to apply
9 to maintenance, upkeep, or renovation that does not affect
10 the structural integrity of the building, does not add beds
11 or services over the number for which the facility is
12 licensed, and provides a reasonable degree of safety for the
13 patients.

14 (Source: P.A. 90-327, eff. 8-8-97; 90-600, eff. 6-25-98;
15 91-712, eff. 7-1-00.)

16 (210 ILCS 85/8.5 new)

17 Sec. 8.5. Waiver of compliance with rules or standards
18 for construction or physical plant. Upon application by a
19 hospital, the Department may grant or renew the waiver of the
20 hospital's compliance with a construction or physical plant
21 rule or standard, including without limitation rules and
22 standards for (i) design and construction, (ii) engineering
23 and maintenance of the physical plant, site, equipment, and
24 systems (heating, cooling, electrical, ventilation, plumbing,
25 water, sewer, and solid waste disposal), and (iii) fire and
26 safety, for a period not to exceed the duration of the
27 current license or, in the case of an application for license
28 renewal, the duration of the renewal period. The waiver may
29 be conditioned upon the hospital taking action prescribed by
30 the Department as a measure equivalent to compliance. In
31 determining whether to grant or renew a waiver, the
32 Department shall consider the duration and basis for any
33 current waiver with respect to the same rule or standard and

1 the validity and effect upon patient health and safety of
2 extending it on the same basis, the effect upon the health
3 and safety of patients, the quality of patient care, the
4 hospital's history of compliance with the rules and standards
5 of this Act, and the hospital's attempts to comply with the
6 particular rule or standard in question. The Department may
7 provide, by rule, for the automatic renewal of waivers
8 concerning construction or physical plant requirements upon
9 the renewal of a license. The Department shall renew waivers
10 relating to construction or physical plant standards issued
11 pursuant to this Section at the time of the indicated
12 reviews, unless it can show why such waivers should not be
13 extended for the following reasons:

14 (1) the condition of the physical plant has
15 deteriorated or its use substantially changed so that the
16 basis upon which the waiver was issued is materially
17 different; or

18 (2) the hospital is renovated or substantially
19 remodeled in such a way as to permit compliance with the
20 applicable rules and standards without substantial
21 increase in cost.

22 A copy of each waiver application and each waiver granted
23 or renewed shall be on file with the Department and available
24 for public inspection.

25 The Department shall advise hospitals of any applicable
26 federal waivers about which it is aware and for which the
27 hospital may apply.

28 In the event that the Department does not grant or renew
29 a waiver of a rule or standard, the Department must notify
30 the hospital in writing detailing the specific reasons for
31 not granting or renewing the waiver and must discuss possible
32 options, if any, the hospital could take to have the waiver
33 approved.

34 This Section shall apply to both new and existing

1 construction.

2 (210 ILCS 85/9.2 new)

3 Sec. 9.2. Disclosure. Prior to conducting a survey of a
4 hospital operating under an approved waiver, equivalency, or
5 other approval, a surveyor must be made aware of the waiver,
6 equivalency, or other approval prior to entering the
7 hospital. Prior to commencing an inspection, the Department
8 must provide the hospital with documentation that the survey
9 is being conducted, with consideration of the relevant
10 waiver, equivalency, or approval. After conducting the
11 survey, the Department must conduct a comprehensive exit
12 interview with designated hospital representatives at which
13 the hospital may present additional information regarding
14 findings.

15 (210 ILCS 85/9.3 new)

16 Sec. 9.3. Informal dispute resolution. The Department
17 must offer an opportunity for informal dispute resolution
18 concerning the application of building codes for new and
19 existing construction and related Department rules and
20 standards before the advisory committee under subsection (b)
21 of Section 2310-560 of the Department of Public Health Powers
22 and Duties Law of the Civil Administrative Code of Illinois.
23 Participants in this process must include representatives
24 from the Department, representatives of the hospital, and
25 additional representatives deemed appropriate by both parties
26 with expertise regarding the contested deficiencies and the
27 management of health care facilities.

28 Section 99. Effective date. This Act takes effect upon
29 becoming law.