



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5429

Introduced 2/9/2024, by Rep. Camille Y. Lilly

SYNOPSIS AS INTRODUCED:

210 ILCS 9/21 new

Amends the Assisted Living and Shared Housing Act. Provides that, prior to commencing construction of new facilities, or alteration or additions to an existing establishment involving major construction of assisted living and shared housing establishments, applicants shall submit architectural drawings and specifications to the Department of Public Health for review and approval. Provides that the Department shall inform an applicant in writing within 10 business after receiving drawings and specifications, and the required fee, if any, whether the applicant's submission is complete or incomplete. Provides that failure to issue this notice shall result in the submission being deemed complete for purposes of initiating a 60-day review period. Provides that the Department shall have 60 days after the date a submission is deemed complete to determine if a submission is approved or disapproved. Provides that, where a submission is deemed incomplete, the Department shall inform the applicant in writing of the deficiencies with the submission. Provides that, if the Department does not approve or disapprove a submission that has been deemed complete within 60 days, the construction, alteration, or additions shall be deemed approved. Provides that an applicant may request a reconsideration of a disapproval of a submission. Provides that, upon submission of additional materials where an initial submission was deemed incomplete or a reconsideration request, the Department shall approve or disapprove the submission by final decision within 45 days after the date of receipt of the additional materials or reconsideration request. Provides for a fee structure for reviews conducted under the provision. Provides that all fees collected under the provision shall be deposited into the Health Facility Plan Review Fund, a special fund created in the State treasury. Provides for expenditures of moneys from the Health Facility Plan Review Fund. Provides that the Department shall conduct a fee structure review 3 years after the effective date of the amendatory Act and every 5 years thereafter.

LRB103 39499 CES 69696 b

1 AN ACT concerning regulation.

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

4 Section 5. The Assisted Living and Shared Housing Act is
5 amended by adding Section 21 as follows:

6 (210 ILCS 9/21 new)

7 Sec. 21. Facility plan review; fees.

8 (a) Before commencing construction of new facilities, or
9 alteration or additions to an existing assisted living
10 establishment or shared housing establishment involving major
11 construction, as defined by rule by the Department, the
12 applicant shall submit architectural drawings and
13 specifications to the Department for review and approval. A
14 facility shall 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 specifications
21 for such an individual's position or by a person contracting
22 with the Department who meets those class specifications.
23 Final approval of the drawings and specifications for

1 compliance with design and construction standards shall be
2 obtained from the Department before the alteration, addition,
3 or new construction begins.

4 (b) The Department shall inform an applicant in writing
5 within 10 business days after receiving drawings and
6 specifications, and the required fee, if any, from the
7 applicant whether the applicant's submission is complete or
8 incomplete. Failure to provide the applicant with this notice
9 within 10 business days shall result in the submission being
10 deemed complete for purposes of initiating the 60-day review
11 period under this Section. If the submission is incomplete,
12 the Department shall inform the applicant of the deficiencies
13 with the submission in writing. If the submission is complete
14 and the required fee, if any, has been paid, the Department
15 shall approve or disapprove drawings and specifications
16 submitted to the Department no later than 60-days after
17 receipt by the Department. The drawings and specifications
18 shall be of sufficient detail, as provided by Department rule,
19 to enable the Department to render a determination of
20 compliance with design and construction standards under this
21 Act. If the Department finds that the drawings are not of
22 sufficient detail for it to render a determination of
23 compliance, the plans shall be determined to be incomplete and
24 shall not be considered for purposes of initiating the 60-day
25 review period. If a submission of drawings and specifications
26 is incomplete, the applicant may submit additional

1 information. The 60-day review period shall not commence until
2 the Department determines that a submission of drawings and
3 specifications is complete or the submission is deemed
4 complete under this subsection (b). If the Department has not
5 approved or disapproved the drawings and specifications within
6 60 days after an application is complete or deemed complete,
7 the construction, major alteration, or addition shall be
8 deemed approved. If the drawings and specifications are
9 disapproved, the Department shall state in writing, with
10 specificity, the reasons for the disapproval. The entity
11 submitting the drawings and specifications may submit
12 additional information in response to the written comments
13 from the Department or request a reconsideration of the
14 disapproval. A final decision of approval or disapproval shall
15 be made within 45 days after the receipt of the additional
16 information or reconsideration request. If denied, the
17 Department shall state the specific reasons for the denial.

18 (c) The Department shall provide written approval for
19 occupancy under subsection (g).

20 (d) The Department shall charge the following fees in
21 connection with the Department's reviews conducted after the
22 effective date of this amendatory Act of the 103rd General
23 Assembly under this Section:

24 (1) If the estimated dollar value of the alteration,
25 addition or new construction is \$49,999.99 or less, no fee
26 is required.

1 (2) If the estimated dollar value of the alteration,
2 addition, or new construction is more than \$50,000 but
3 less than or equal to \$500,000, the fee shall be the
4 greater of \$3,000, \$4,000, or 2.0% of that value.

5 (3) If the estimated dollar value of the alteration,
6 addition, or new construction is more than \$500,000 but
7 less than or equal to \$1,000,000, the fee shall be the
8 greater of \$10,000 or 1.5% of that value.

9 (4) If the estimated dollar value of the alteration,
10 addition, or new construction is more than \$1,000,000 but
11 less than or equal to \$5,000,000, the fee shall be the
12 greater of \$13,000 or 0.35% of that value.

13 (5) If the estimated dollar value of the alteration,
14 addition, or new construction is more than \$5,000,000, the
15 fee shall be the greater of \$15,000 or 0.175% of that
16 value, but shall not exceed \$35,000.

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

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

23 (e) All fees received by the Department under this Section
24 shall be deposited into the Health Facility Plan Review Fund,
25 a special fund created in the State treasury. Moneys shall be
26 appropriated from that Fund to the Department only to pay the

1 costs of conducting reviews under this Section. All fees paid
2 by assisted living establishments and shared housing
3 establishments under subsection (d) shall be used only to
4 cover the costs relating to the Department's review of
5 assisted living establishment and shared housing establishment
6 projects under this Section. None of the moneys in the Health
7 Facility Plan Review Fund shall be used to reduce the amount of
8 General Revenue Fund moneys appropriated to the Department for
9 facility plan reviews conducted under this Section.

10 (f) The Department shall review the fee structure after 3
11 years from the effective date of this amendatory Act of the
12 103rd General Assembly, fees shall be increased or decreased
13 to maintain the plan review program. Fee structure shall be
14 re-evaluated every 5 years thereafter.

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

1 in which case the construction shall be deemed approved.
2 Occupancy shall be authorized after any required health
3 inspection by the Department has been conducted.

4 (h) The Department shall establish, by rule, a procedure
5 to conduct voluntary interim on-site review of large or
6 complex construction projects for a fee of \$3,000.00 per
7 interim on-site review.

8 (i) The Department shall establish, by rule, an expedited
9 process for emergency repairs or replacement of like
10 equipment.

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