



Sen. John M. Sullivan

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LRB097 17689 PJG 67752 a

1 AMENDMENT TO SENATE BILL 3614

2 AMENDMENT NO. _____. Amend Senate Bill 3614 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Health Facilities Planning Act is
5 amended by changing Section 12 as follows:

6 (20 ILCS 3960/12) (from Ch. 111 1/2, par. 1162)

7 (Section scheduled to be repealed on December 31, 2019)

8 Sec. 12. Powers and duties of State Board. For purposes of
9 this Act, the State Board shall exercise the following powers
10 and duties:

11 (1) Prescribe rules, regulations, standards, criteria,
12 procedures or reviews which may vary according to the purpose
13 for which a particular review is being conducted or the type of
14 project reviewed and which are required to carry out the
15 provisions and purposes of this Act. Policies and procedures of
16 the State Board shall take into consideration the priorities

1 and needs of medically underserved areas and other health care
2 services identified through the comprehensive health planning
3 process, giving special consideration to the impact of projects
4 on access to safety net services.

5 (2) Adopt procedures for public notice and hearing on all
6 proposed rules, regulations, standards, criteria, and plans
7 required to carry out the provisions of this Act.

8 (3) (Blank).

9 (4) Develop criteria and standards for health care
10 facilities planning, conduct statewide inventories of health
11 care facilities, maintain an updated inventory on the Board's
12 web site reflecting the most recent bed and service changes and
13 updated need determinations when new census data become
14 available or new need formulae are adopted, and develop health
15 care facility plans which shall be utilized in the review of
16 applications for permit under this Act. Such health facility
17 plans shall be coordinated by the Board with pertinent State
18 Plans. Inventories pursuant to this Section of skilled or
19 intermediate care facilities licensed under the Nursing Home
20 Care Act, skilled or intermediate care facilities licensed
21 under the ID/DD Community Care Act, facilities licensed under
22 the Specialized Mental Health Rehabilitation Act, or nursing
23 homes licensed under the Hospital Licensing Act shall be
24 conducted on an annual basis no later than July 1 of each year
25 and shall include among the information requested a list of all
26 services provided by a facility to its residents and to the

1 community at large and differentiate between active and
2 inactive beds.

3 In developing health care facility plans, the State Board
4 shall consider, but shall not be limited to, the following:

5 (a) The size, composition and growth of the population
6 of the area to be served;

7 (b) The number of existing and planned facilities
8 offering similar programs;

9 (c) The extent of utilization of existing facilities;

10 (d) The availability of facilities which may serve as
11 alternatives or substitutes;

12 (e) The availability of personnel necessary to the
13 operation of the facility;

14 (f) Multi-institutional planning and the establishment
15 of multi-institutional systems where feasible;

16 (g) The financial and economic feasibility of proposed
17 construction or modification; and

18 (h) In the case of health care facilities established
19 by a religious body or denomination, the needs of the
20 members of such religious body or denomination may be
21 considered to be public need.

22 The health care facility plans which are developed and
23 adopted in accordance with this Section shall form the basis
24 for the plan of the State to deal most effectively with
25 statewide health needs in regard to health care facilities.

26 (5) Coordinate with the Center for Comprehensive Health

1 Planning and other state agencies having responsibilities
2 affecting health care facilities, including those of licensure
3 and cost reporting.

4 (6) Solicit, accept, hold and administer on behalf of the
5 State any grants or bequests of money, securities or property
6 for use by the State Board or Center for Comprehensive Health
7 Planning in the administration of this Act; and enter into
8 contracts consistent with the appropriations for purposes
9 enumerated in this Act.

10 (7) The State Board shall prescribe procedures for review,
11 standards, and criteria which shall be utilized to make
12 periodic reviews and determinations of the appropriateness of
13 any existing health services being rendered by health care
14 facilities subject to the Act. The State Board shall consider
15 recommendations of the Board in making its determinations.

16 (8) Prescribe, in consultation with the Center for
17 Comprehensive Health Planning, rules, regulations, standards,
18 and criteria for the conduct of an expeditious review of
19 applications for permits for projects of construction or
20 modification of a health care facility, which projects are
21 classified as emergency, substantive, or non-substantive in
22 nature.

23 Six months after June 30, 2009 (the effective date of
24 Public Act 96-31), substantive projects shall include no more
25 than the following:

26 (a) Projects to construct (1) a new or replacement

1 facility located on a new site or (2) a replacement
2 facility located on the same site as the original facility
3 and the cost of the replacement facility exceeds the
4 capital expenditure minimum;

5 (b) Projects proposing a (1) new service or (2)
6 discontinuation of a service, which shall be reviewed by
7 the Board within 60 days; or

8 (c) Projects proposing a change in the bed capacity of
9 a health care facility by an increase in the total number
10 of beds or by a redistribution of beds among various
11 categories of service or by a relocation of beds from one
12 physical facility or site to another by more than 20 beds
13 or more than 10% of total bed capacity, as defined by the
14 State Board, whichever is less, over a 2-year period.

15 The Chairman may approve applications for exemption that
16 meet the criteria set forth in rules or refer them to the full
17 Board. The Chairman may approve any unopposed application that
18 meets all of the review criteria or refer them to the full
19 Board.

20 Such rules shall not abridge the right of the Center for
21 Comprehensive Health Planning to make recommendations on the
22 classification and approval of projects, nor shall such rules
23 prevent the conduct of a public hearing upon the timely request
24 of an interested party. Such reviews shall not exceed 60 days
25 from the date the application is declared to be complete.

26 (9) Prescribe rules, regulations, standards, and criteria

1 pertaining to the granting of permits for construction and
2 modifications which are emergent in nature and must be
3 undertaken immediately to prevent or correct structural
4 deficiencies or hazardous conditions that may harm or injure
5 persons using the facility, as defined in the rules and
6 regulations of the State Board. This procedure is exempt from
7 public hearing requirements of this Act.

8 (10) Prescribe rules, regulations, standards and criteria
9 for the conduct of an expeditious review, not exceeding 60
10 days, of applications for permits for projects to construct or
11 modify health care facilities which are needed for the care and
12 treatment of persons who have acquired immunodeficiency
13 syndrome (AIDS) or related conditions.

14 (11) Issue written decisions upon request of the applicant
15 or an adversely affected party to the Board within 30 days of
16 the meeting in which a final decision has been made. A "final
17 decision" for purposes of this Act is the decision to approve
18 or deny an application, or take other actions permitted under
19 this Act, at the time and date of the meeting that such action
20 is scheduled by the Board. The staff of the State Board shall
21 prepare a written copy of the final decision and the State
22 Board shall approve a final copy for inclusion in the formal
23 record.

24 (12) Require at least one of its members to participate in
25 any public hearing, after the appointment of the 9 members to
26 the Board.

1 (13) Provide a mechanism for the public to comment on, and
2 request changes to, draft rules and standards.

3 (14) Implement public information campaigns to regularly
4 inform the general public about the opportunity for public
5 hearings and public hearing procedures.

6 (15) Establish a separate set of rules and guidelines for
7 long-term care that recognizes that nursing homes are a
8 different business line and service model from other regulated
9 facilities. An open and transparent process shall be developed
10 that considers the following: how skilled nursing fits in the
11 continuum of care with other care providers, modernization of
12 nursing homes, establishment of more private rooms,
13 development of alternative services, and current trends in
14 long-term care services. The Chairman of the Board shall
15 appoint a permanent Health Services Review Board Long-term Care
16 Facility Advisory Subcommittee that shall develop and
17 recommend to the Board the rules to be established by the Board
18 under this paragraph (15). The Subcommittee shall also provide
19 continuous review and commentary on policies and procedures
20 relative to long-term care and the review of related projects.
21 In consultation with other experts from the health field of
22 long-term care, the Board and the Subcommittee shall study new
23 approaches to the current bed need formula and Health Service
24 Area boundaries to encourage flexibility and innovation in
25 design models reflective of the changing long-term care
26 marketplace and consumer preferences. The Subcommittee shall

1 evaluate, and make recommendations to the State Board
2 regarding, the buying, selling, and exchange of beds between
3 long-term care facilities within a specified geographic area or
4 drive time. The Board shall file the proposed related

5 administrative rules for the separate rules and guidelines for
6 long-term care required by this paragraph (15) by September 1,
7 2010. The Subcommittee shall be provided a reasonable and
8 timely opportunity to review and comment on any review,
9 revision, or updating of the criteria, standards, procedures,
10 and rules used to evaluate project applications as provided
11 under Section 12.3 of this Act prior to approval by the Board
12 and promulgation of related rules.

13 (Source: P.A. 96-31, eff. 6-30-09; 96-339, eff. 7-1-10;
14 96-1000, eff. 7-2-10; 97-38, eff. 6-28-11; 97-227, eff. 1-1-12;
15 revised 9-7-11.)

16 Section 99. Effective date. This Act takes effect one year
17 after becoming law."