

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Hospital Capital Investments
- 2) Code Citation: 77 Ill. Adm. Code 976
- 3) Section Number: 976.110 Adopted Action:
Amended
- 4) Statutory Authority: Section 2310-640 of the Department of Public Health Powers and Duties Law [20 ILCS 2310/2310-640]
- 5) Effective Date of Rulemaking: November 2, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposed Amendments Published in Illinois Register: July 8, 2011; 35 Ill. Reg. 10652
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: The following changes were made in response to comments received during the first notice or public comment period:

In response to written comments from the Illinois Hospital Association, the Department agreed to remove the word "subsequently" from the first sentence of the proposed rulemaking at Section 976.110(c).

The following changes were made in response to comments and suggestions of JCAR:

In Section 976.110(c), changed the following language:

"If an applicant files the letter of intent and grant application and subsequently the hospital applies for and receives a Certificate of Need or Certificate of Exemption from the Illinois Health Facilities and Services Review Board for a change of

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ownership (see 77 Ill. Adm. Code 1110.240 and 1130.520), the applicant may modify the letter of intent and grant application to reflect the ownership change."

to

"If an applicant files the letter of intent and grant application and applies for or has received a Certificate of Need or Certificate of Exemption from the Illinois Health Facilities and Services Review board for a change of ownership (see 77 Ill. Adm. Code 1110.240 and 1130.520), the applicant shall modify the letter of intent and grant application to reflect the ownership change."

In addition, various typographical, grammatical and form changes were made in response to the comments from JCAR.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? Yes. The emergency rule was filed on June 27, 2011 and published at 35 Ill. Reg. 10974.
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The amendment will allow hospitals that apply for or have received a Certificate of Need or Certificate of Exemption from the Illinois Health Facilities and Services Review Board for a change of ownership to modify the letter of intent and grant application from the Hospital Capital Investment program to reflect the ownership change.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Susan Meister
Division of Legal Services
Department of Public Health
535 West Jefferson, 5th Floor
Springfield, Illinois 62761

217/782-2043
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The full text of the Adopted Amendment begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER u: MISCELLANEOUS PROGRAMS AND SERVICESPART 976
HOSPITAL CAPITAL INVESTMENTS

SUBPART A: GENERAL PROVISIONS

Section	
976.10	Definitions
976.20	Referenced Materials
976.30	Administrative Hearings
976.40	Freedom of Information

SUBPART B: SAFETY NET HOSPITAL GRANTS
AND COMMUNITY HOSPITAL GRANTS

Section	
976.50	Grant Descriptions
976.60	Grant Eligibility
976.70	Grant Application Requirements
976.80	Grant Application Review Criteria
976.90	Notice of Grant Opportunity
976.100	Letter of Intent
976.110	Grant Application Processing
976.120	Grant Awards
976.130	Grant Funds Distribution
976.140	Grant Funds Recovery
976.150	Grant Validity
976.160	Obligation
976.170	Alteration
976.180	Progress Reports
976.190	Project Completion

AUTHORITY: Implementing and authorized by Section 2310-640 of the Department of Public Health Powers and Duties Law [20 ILCS 2310/2310-640].

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SOURCE: Adopted at 35 Ill. Reg. 1422, effective January 6, 2011; emergency amendment at 35 Ill. Reg. 10974, effective June 27, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 19254, effective November 2, 2011.

SUBPART B: SAFETY NET HOSPITAL GRANTS
AND COMMUNITY HOSPITAL GRANTS**Section 976.110 Grant Application Processing**

When an LOI fulfills all of the requirements of Section 976.100, a grant application can be submitted.

- a) Upon receipt of a grant application, the Department will:
 - 1) Determine if the application was submitted within the time frame requirements of Section 976.90. An application that was not submitted within the prescribed time frame will be deemed null and void.
 - 2) Within 30 calendar days after receipt of the application, conduct a completeness determination to assess whether all applicable review information and all required materials and documentation have been submitted (see Section 976.70).
 - A) If the application is deemed complete, the Department will proceed with a grant award (see Section 976.120).
 - B) If the application is deemed incomplete, the Department will contact the applicant in writing (via a certified letter) and inform the applicant of the information and/or materials needed to complete the application. The applicant will have 30 calendar days (from the date that the applicant received the certified letter) to provide the requested information. Responses received after the 30 calendar day time frame will result in the application being deemed null and void.
- b) Review of Applications
 - 1) All applications will be reviewed and evaluated with the review criteria set forth in the Act and in this Part (see Section 976.80).

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- 2) Each application will be reviewed on an individual basis. There will be no comparative review of applications.
- 3) Based on the eligibility requirements in Section 2310-640(b) and (c) of the Act, only one application per hospital will be approved.

c) If an applicant files the letter of intent and grant application and applies for or has received a Certificate of Need or Certificate of Exemption from the Illinois Health Facilities and Services Review Board for a change of ownership (see 77 Ill. Adm. Code 1110.240 and 1130.520), the applicant shall modify the letter of intent and grant application to reflect the ownership change. These modifications shall be completed before a grant award is issued (see Section 976.120 of this Part).

(Source: Amended at 35 Ill. Reg. 19254, effective November 2, 2011)