

July 29, 2015

Legislative Changes to the Health Facilities Planning Act: PA 99-0114

The Health Facilities and Services Review Board worked with IHA on [PA 99-0114](#), which addresses certain administrative and procedural requirements of the Health Facilities Planning Act:

Review Board Form: The Board must provide the format of the State Board Staff Report rather than to provide the forms upon which the Report is made (Sec. 6.2 and Sec. 12).

Procedure for Board Votes: The Board must provide its rationale when voting on an item at a State Board meeting (Sec. 12).

Denials and Other Sanctions: "Change of ownership of a healthcare facility" is added to the list of items for which the Board may issue a denial or a sanction for failure to obtain a permit or an exemption (Sec. 14.1).

- **Fines for Unauthorized Changes:** Although change of ownership was included as a "modification" subject to fines if carried out without a permit, the provision clarifies that a person who changes ownership of a healthcare facility without first obtaining a permit or exemption shall be fined an amount not to exceed \$25,000 plus an additional \$25,000 for each additional 30-day period, or fraction thereof, that the violation continues.

"Exemption" was added to the provision at Sec. 14.1 (b)(5) to provide that a person who discontinues a healthcare facility or a category of service without first obtaining a permit or exemption shall be fined an amount not to exceed \$10,000 plus an additional \$10,000 for each 30-day period, or fraction thereof, that the violation continues.

- **In-Kind Services:** The Board may accept in-kind services instead of or in combination with the imposition of a fine. This authorization is limited to cases where the non-compliant individual or entity has waived the right to an administrative hearing or opportunity to appear before the Board regarding the noncompliant matter.
- **Requests for Appearance Before the Board:** Requests for an appearance before the Board must be made within 30 days after receiving notice that a fine will be imposed.
- **Fines Accrual Period:** Fines imposed under Sec.14.1 shall continue to accrue until the date the matter is referred by the Board to the Board's legal counsel or the date the healthcare facility becomes compliant with the Act, whichever is earlier.

Read about [PA 99-0154](#) for changes to Section 8.5 of the Health Facilities Planning Act.

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