

Levels of Care Code Revision Process

Where we started

The Illinois Department of Public Health (IDPH) regulates the provision of perinatal and neonatal care pursuant to the authority of the Regionalized Perinatal Health Care Code (Code) (77 Ill. Admin. Code 640). The current levels of care under the Code are Level 1, Level 2, Level 2-extended (extended neonatal care), and Level 3.

The Perinatal Advisory Committee (PAC) is an advisory board to IDPH in matters pertaining to the regionalization of perinatal health care. The PAC's purpose is to advise IDPH on the establishment and implementation of policy.

In 2012, the American Academy of Pediatrics (AAP) issued a policy statement related to levels of neonatal care. In its statement, AAP recommended that hospitals be designated at one of four levels – Level 1, 2, 3, or 4 – in order to improve neonatal outcomes. The PAC subsequently recommended that IDPH adopt the AAP 2012 guidelines for levels of neonatal care. IDPH accepted the recommendation and decided that, rather than modify portions of the existing Code, IDPH would take the opportunity to completely rewrite and update the Code.

Realizing that IDPH did not have the in-house clinical expertise necessary to draft the new rules on its own, IDPH created multiple advisory workgroups and put out a call for volunteers to sit on the committees. The selected workgroup members include medical professionals, hospital administrators, and others from all areas of the state and all existing levels of neonatal care. The workgroups continue to advise IDPH on issues including, but not limited to, resources necessary for each level of care, transport of patients, quality measures and metrics, hospital designations, and implementation of the new rules.

The workgroups began meeting in mid-2017 and held meetings open to the public on an approximately monthly basis. The workgroups took into consideration the existing Code requirements, best medical practice, and what other states, including Indiana, Arkansas, Texas, and Maryland, were doing in relation to levels of neonatal care. The groups began submitting their final recommendations to IDPH in late 2018, and IDPH has begun writing the new rules.

Rulemaking Process

1. IDPH will draft rules based on workgroup recommendations, seeking regular feedback to ensure that recommendations have been properly incorporated and that no loopholes are identified. IDPH will also work with its legal team to ensure that the rules are constitutional and do not violate or conflict with any existing laws, as well as with other IDPH sections to effectuate updates to related rules; specifically, Section 250 (Hospital Licensing Requirements) and Section 265 (Birth Center Demonstration Code). During this process, IDPH can, and will, communicate with stakeholders about the rules.
2. Once the draft rules are completed, they will be submitted to the State Board of Health (SBOH) Rules Committee for review and approval. If the SBOH Rules Committee does not approve, IDPH will make necessary changes and resubmit new draft rules.
3. Upon approval by the SBOH Rules Committee, the rules will go to the whole SBOH for approval. If the SBOH does not approve, IDPH will make necessary changes and resubmit new draft rules.
4. Upon approval by SBOH, IDPH will submit rules for “First Notice” to the Secretary of State for publication in the Illinois Register. At this point, IDPH can no longer communicate with stakeholders about the rules.
5. Upon publication, there must be a public comment period of at least 45 days. This is the only way the public can communicate with IDPH about the rules.
6. IDPH is required to respond to all public comments received during the comment period. This is the only way IDPH can communicate with the public during this time. Based on the comments received, IDPH will make any necessary changes to the rules and then submit “Second Notice” of rules to the Joint Committee on Administrative Rules (JCAR) and to anyone who submitted a public comment.
7. Following second notice, the rules are heard/discussed at a JCAR meeting. If JCAR does not approve the rules, IDPH must make changes and resubmit. If JCAR does approve the rules, they will be filed with the Secretary of State and become effective upon filing.