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ATTORNEY GENERAL
STATE OF ILLINOIS
SPRINGFIELD

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FILE NO. 86-003

PUBLIC HEALTH:

Power of Medical Center
Commission to Approve
Construction of Multipurpose
Center for Elderly and Disabled

Park Livingston, President
Medical Center Commission
736 South Ashland Avenue
Chicago, Illinois 60607

Dear Mr. Livingston:

I have your letter wherein you state:

"The Medical Center Commission of the State of Illinois is presently considering a proposal by the City of Chicago to construct on land it [the city] owns at 2102 West Ogden Avenue a multipurpose center for the elderly and disabled to be staffed and operated by the city Department on Aging and Disability.

The Commissioner of that department, Robert J. Ahrens, has told our Commissioners that the multipurpose center will strongly emphasize programs of health education and screening as

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well as nutrition education along with a congregate dining site. He also advises that cooperative programs will be undertaken with the University of Illinois Department of Medicine's Geriatric Medicine Program, the West Side Medical Center of the Veterans Administration and the Chicago Department of Health.

The Medical Center Commission seeks an opinion from your office as to whether or not the proposed facility qualifies for approval under [the provisions of "AN ACT in relation to the establishment of a medical center district in the city of Chicago and for the control and management thereof" (Ill. Rev. Stat. 1983, ch. 111 1/2, par. 5001 et seq.).

* * *

"

For the reasons hereinafter stated, it is my opinion that the proposed facility would be eligible, under the provisions of "AN ACT in relation to the establishment of a medical center district in the city of Chicago, etc." [hereinafter the Medical Center District Act] (Ill. Rev. Stat. 1983, ch. 111 1/2, par. 5001 et seq.), for location within the Medical Center District.

The Medical Center Commission is a body politic and corporate to which has been delegated the control and management of the territory encompassed in the Medical Center District (see Ill. Rev. Stat. 1983, ch. 111 1/2, pars. 5001, 5002), including the power to regulate and restrict the location and construction of buildings therein. (Ill. Rev. Stat. 1983, ch. 111 1/2, par. 5018.) Section 4 of the Medical Center District Act (Ill. Rev. Stat. 1983, ch. 111 1/2, par. 5005) provides in pertinent part:

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"The Commission may, in its corporate capacity, construct or cause or permit to be constructed in such District, hospitals, sanitariums, clinics, laboratories, or any other institution, building or structure which may be of use or benefit in the practice of medical science and treatment of human ailments, or for such old peoples' homes as the Commission shall find useful in the study of, reasearch in, or treatment of illnesses or infirmities peculiar to aged people, after a public hearing to be held by any Commissioner or other person authorized by the Commission to conduct the same * * *."
(Emphasis added.)

The appropriateness of locating the proposed multipurpose center within the Medical Center District depends upon whether the multipurpose center falls within the parameters of the underscored language.

It is my understanding that the city plans to use the proposed multipurpose center to furnish, through its Department on Aging and Disability and with the assistance of health care providers, a variety of medical services to the residents of the city's Central/West region. Examples of services currently offered at the city's regional centers include free medical and dental health screenings for senior citizens and the disabled, influenza vaccinations, nutrition education programs and a "wellness program" which features regular medical examinations for participants. In addition, certain educational institutions located within the District have expressed an interest in

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utilizing the facility in conjunction with the training of students in geriatric medicine and gerontology.

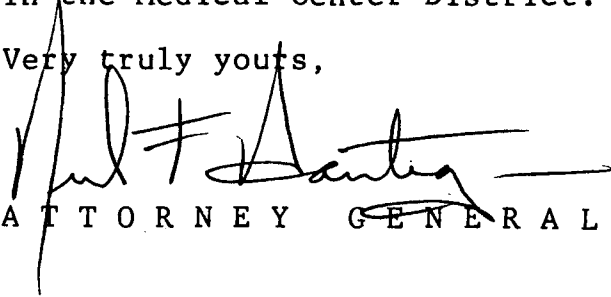
Section 4 of the Medical Center District Act authorizes the Medical Center Commission to permit construction within the District of any "building or structure which may be of use or benefit in the practice of medical science and treatment of human ailments". Section 4 does not require that facilities be devoted exclusively to the medical arts in order to qualify for location within the district. Rather, it is sufficient that such facilities will be of direct or indirect use or benefit in the practice of medical science and the treatment of human ailments. See, for example, cited opinions of my predecessor, Attorney General Clark, in which he concluded that such diverse facilities as a home for expectant mothers (1962 Ill. Att'y Gen. Op. 381), a junior college offering paramedic training (Ill. Att'y Gen. Op. No. UP-1567, issued April 14, 1966) and dormitories or residences for medical or dental students (Ill. Att'y Gen. Op. No. UP. 1857, issued September 25, 1967) could properly be located within the Medical Center District.

From the description provided, it is clear that the proposed multipurpose center for the elderly and disabled would be a structure or building "of use or benefit in the practice of medical science and treatment of human ailments". Therefore, it is my opinion that the Medical Center Commission may

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properly act to authorize construction of the proposed facility
on property located within the Medical Center District.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Paul F. Bentley", written in dark ink. The signature is fluid and includes a long horizontal flourish at the end.

A T T O R N E Y G E N E R A L