

**Constantino, Mike**

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**From:** Shepley, Aaron [ATShepley@Centegra.com]  
**Sent:** Tuesday, July 12, 2011 4:48 PM  
**To:** Avery, Courtney  
**Cc:** Constantino, Mike  
**Attachments:** Letter to Courtney Avery Re Project 10-090 Dated 071211.pdf

Dear Ms. Avery and Mr. Constantino:

Please see the attached correspondence from Centegra Health System in connection with project 010-090. Thank you for your consideration of this matter.

Very truly,

Aaron T. Shepley

**Aaron T. Shepley**  
Senior Vice President, General Counsel  
Centegra Health System  
385 Millennium Drive  
Crystal Lake, Illinois 60012  
(815) 788-5837 (work)  
(815) 245-6312 (cell)  
[atshepley@centegra.com](mailto:atshepley@centegra.com)

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July 12, 2011

Aaron T. Shepley  
General Counsel  
Senior Vice President, Administrative Services

**VIA EMAIL AND FACSIMILE**

Courtney R. Avery  
Administrator  
Illinois Health Facilities and Services Review Board  
525 West Jefferson Street  
2nd Floor  
Springfield, IL 62761

Re: Project No. 10-090, Centegra Hospital-Huntley  
Applicants' Intent to Appear Before the Review Board following Intent to Deny

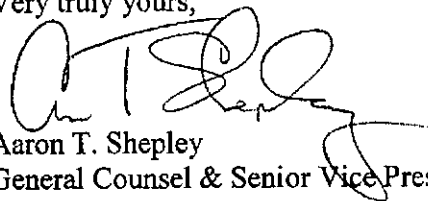
Dear Ms. Avery:

In connection with the Intent to Deny issued on Project No. 10-090, by the Health Facilities and Services Review Board ("Review Board") at its meeting on June 28, 2011, the applicants, Centegra Health System and Centegra Hospital-Huntley intend to appear before the Review Board and do not intend to submit "supplemental information" as defined by the Review Board's rules. As provided by Section 1130.650(c)(2) of the Review Board's rules, therefore, the Board "shall take action on the application at its next meeting", which is currently scheduled for August 16, 2011. (As the make-up meeting on July 21, 2011 is a continuation of the June 28th meeting at which the Intent to Deny on Project No. 10-090 was issued, it is not the "next meeting" for purposes of Review Board action following the Intent to Deny.). Please consider this as the applicants' request pursuant to Section 1130.650(c)(2) of the Board's rules that this matter, Project No. 10-090, be placed on the August 16, 2011 agenda for full consideration.

While the applicants do not intend to submit "supplemental information," the applicants will submit any "requested information" to assist the Review Board in consideration of the application subsequent to the Intent to Deny as provided by Section 1130.670(c)(4) and Section 1130.635(a) of the Review Board's rules. It should be noted that under the rules the submission of "requested information" does not impact the requirement for this project to be placed on the August 16, 2011 agenda. Copies of these regulations are attached.

We look forward to appearing before the Review Board at the August 16, 2011 meeting.

Very truly yours,



Aaron T. Shepley  
General Counsel & Senior Vice President  
Centegra Health System

cc: Mr. Michael Constantino  
Ms. Andrea Rozran

**Joint Committee on Administrative Rules**  
**ADMINISTRATIVE CODE**

**TITLE 77: PUBLIC HEALTH**  
**CHAPTER II: HEALTH FACILITIES PLANNING BOARD**  
**SUBCHAPTER b: OTHER BOARD RULES**  
**PART 1130 HEALTH FACILITIES PLANNING PROCEDURAL RULES**  
**SECTION 1130.670 INTENT TO DENY AN APPLICATION**

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**Section 1130.670 Intent to Deny an Application**

- a) **Issuance of Intent to Deny**  
Failure of an application for permit to receive the number of affirmative votes required by the Act upon initial consideration by HFPB shall constitute an Intent to Deny the application. Subsequent to the issuance of an Intent to Deny, the applicant *will be given an opportunity to appear before HFPB and present information as may be relevant to the approval of a permit* [20 ILCS 3960/10]. The date of the Intent to Deny is the date of the HFPB meeting when the action occurred.
- b) **Applicant's Response**  
The applicant shall notify HFPB in writing within 14 calendar days after issuance of an Intent to Deny and indicate if the applicant intends to appear before HFPB and/or submit supplemental information.

**BOARD NOTE:** It is the responsibility of the applicant to assure that HFPB is in receipt of the response within 14 days after issuance of an Intent to Deny.

- c) **Action Following Notice of Intent to Deny**
- 1) If the applicant waives the right to appear before HFPB or if a written response is not received within 14 days after issuance of an Intent to Deny, then the application shall be considered withdrawn.
  - 2) If the applicant indicates that no supplemental information will be submitted, HFPB shall take action on the application at its next meeting.
  - 3) If the applicant indicates that supplemental information shall be submitted, the applicant shall be afforded a period of 30 days from the date of issuance of the Intent to Deny to submit the material. Upon receipt of supplemental information, IDPH shall commence a review and submit its findings to HFPB in accordance with the provisions of this Subpart. IDPH shall be allowed up to 60 days following the receipt of all material to review the material and issue a supplemental report.
  - 4) Written comments submitted to IDPH from persons other than the applicant regarding a proposed project that has received an Intent to Deny are ex parte and prohibited and shall not be considered. This provision does not apply to public hearing testimony or comments that are received pursuant to a provision in Subpart I (Public Hearing and Comment Procedures) or to

comments or testimony that has been submitted in response to requests by HFPB for information to assist in consideration of the application subsequent to the Intent to Deny.

d) **Deferrals by Applicant**

A project that has received an Intent to Deny and has been scheduled for HFPB consideration can be deferred by the applicant. A notice of deferral may be provided in writing prior to the scheduled HFPB meeting or be provided verbally at the HFPB meeting. An applicant may not defer HFPB consideration beyond an HFPB meeting date that is more than six months from the date of issuance of the Intent to Deny.

(Source: Amended at 30 Ill. Reg. 14852, effective September 1, 2006)

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**TITLE 77: PUBLIC HEALTH**  
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**SUBCHAPTER b: OTHER BOARD RULES**  
**PART 1130 HEALTH FACILITIES PLANNING PROCEDURAL RULES**  
**SECTION 1130.635 ADDITIONAL INFORMATION PROVIDED DURING THE REVIEW PERIOD**

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**Section 1130.635 Additional Information Provided During the Review Period**

- a) **Requested Information**  
As needed to clarify the application, IDPH may request information or data during the review period from the applicant or from other persons in order to conduct its review. Requested information or data furnished to IDPH shall be made part of and included in the project record.
- b) **Supplemental Information**  
Supplemental information or data may be provided by the applicant only if the information is due to a modification of the project, is in response to an Intent to Deny, or is in response to a request from HFPB. Supplemental information shall be made part of and included in the project record.
- c) **Public Comment Information**  
Public comment information from persons other than the applicant that has been submitted in accordance with the public comment and public hearing provisions of this Part shall not be considered requested or supplemental information. The information shall be made part of and included in the project record.
- d) **Ex Parte Information**  
Information submitted by the applicant or by any other person that is not requested information, that is not supplemental information, or that is not public comment or public hearing information is ex parte and will not be considered in the review of the project.

(Source: Added at 30 Ill. Reg. 14852, effective September 1, 2006)