

Constantino, Mike

From: Grikis, Linas [lgrikis@mwe.com]
Sent: Monday, November 28, 2011 11:04 AM
To: Constantino, Mike
Cc: 'rich gruber'; 'foley.associates@sbcglobal.net'; 'John Kniery'; Colby, Dan; Stein, Sanford M.; Topinka, Ralph
Subject: RE: COMMENT ON THE SAR

Mike,

Per your email below, we have reviewed the Mercy SAR and, on behalf of my client Mercy Alliance and Mercy Crystal Lake Hospital and Medical Center, have the following comments and suggested revisions.

The chart, entitled "State Board Standards Not Met," on page 5 (the Mercy SAR does not contain page numbers) of the Mercy SAR contains far more detail than either (a) the same chart in the Centegra SAR; and (b) the same chart that was in Mercy's earlier SAR (from the June 28, 2011 Board meeting).

For example, in the current Mercy SAR the chart details the **Reasons for Non-Compliance with Criteria 1110.530 (b)-Planning Area Need** and states "There are 9 existing facilities within 45 minutes operating below the State Board target occupancy that will be able to provide access to needed services. 1 of 9 hospitals meet the State Board's target occupancy for medical surgical services, 5 of 9 hospitals meet the State Board's target occupancy for intensive care services, and none of the hospitals within 45 minutes meets the State Board's target occupancy for obstetric services." In stark contrast, the same chart on page 4 of the Centegra SAR simply states that "There are existing facilities within 45 minutes operating below target occupancy." Further, the same chart from the June 28, 2011 Mercy SAR simply states that ". . . there are existing facilities in the planning area operating below target occupancy."

Similarly, the chart in the current Mercy SAR also contains far more detail in the section entitled **Reasons for Noncompliance with Criteria 1110.530 (c) Unnecessary Duplication of Service/Maldistribution**. The current Mercy SAR states that "There are 6 existing facilities within 30 minutes operating below the State Board's target occupancy for services proposed by this project. 1 of the 6 hospitals exceeds the target occupancy for medical surgical services, four of the six hospitals exceed the target occupancy for intensive care services and no hospital exceeds the target occupancy for obstetric services." In stark contrast, the same chart on page 4 of the Centegra SAR and the same chart from the June 28, 2011 Mercy SAR each simply state that "There are existing facilities within 30 minutes operating below the State Board's target."

The changes made to the chart in the current Mercy SAR, when contrasted with the information contained in the Centegra SAR, could have a detrimental effect on how one perceives the Mercy project. Accordingly, we request that Staff revise the current Mercy SAR to be consistent with both the Centegra SAR and the June 28, 2011 SAR. Alternatively, we request that Staff revise the Centegra SAR to include the additional detail currently contained only in the Mercy SAR.

Finally, as I am sure Staff and the Board itself is aware, Centegra has focused its efforts to block the Mercy project by trying to link Mercy's current project with events from 7 and 8 years ago (spending an unbelievable amount of time and money in the process). It appears that Board staff agrees with the position that Mercy has taken on numerous occasions, namely that Centegra's attempt to besmirch the good name and reputation of Mercy and its employees is groundless. Specifically, Board staff completed a thorough review of Mercy and its project application and stated on the record in the SAR that it found NO "Background/Compliance Issues." Given Board staff's factual findings on this point, the inclusion of Dan Lawler's editorial comments on page 9 of the Mercy SAR serve no purpose other than to advance Centegra's plan and agenda and are unnecessarily detrimental to Mercy and its application. Accordingly, we ask that Mr. Lawler's comments be stricken from Mercy's SAR. Alternatively, if Staff chooses to let them remain in the SAR, we would request that Sanford Stein's comment be moved to immediately follow Mr. Lawler's comments and also request

you include (immediately following Mr. Stein's comments) the following comments made by Ralph Topinka at Mercy's October 7, 2011 Public Hearing: "Mr. Lawler and Mr. Shepley want to bring up events from six and seven years ago, as if they have something to do with this application, and they repeat the same shameful innuendo that they said at the last hearing. Mr. Lawler talked about accountability and who should be accountable for things that occurred back then. Well, the government agency responsible for accountability has already rendered its conclusion. The conclusion was clear, and they know this. Neither Mercy nor any of its employees were accused by any governmental authority of any wrongdoing, and Mercy cooperated fully with that investigation seven years ago. Mr. Lawler should know something about what it means to cooperate in an investigation. His former partner, Centegra's lawyer, was given immunity for his testimony and cooperation. So we know how that can happen with folks. None of our folks, by the way, were given immunity. So let's just put that to rest."

I hope you had a nice holiday. We thank you and all of your Staff for the assistance you have provided to date, and we look forward to seeing you in December. - Linas

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From: Constantino, Mike [<mailto:Mike.Constantino@Illinois.gov>]
Sent: Wednesday, November 23, 2011 8:43 AM
To: 'rich gruber'; 'foley.associates@sbcglobal.net'; 'John Kniery'; Grikis, Linas
Cc: Hills, Bonnie; Roate, George
Subject: COMMENT ON THE SAR

Rich:

If you are going to comment on the SAR's you have until 5:00 pm on November 28, 2011 to do so.
Have a nice thanksgiving

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