

**Via Overnight Delivery**

July 24, 2013

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

**RECEIVED**

JUL 25 2013

HEALTH FACILITIES &  
SERVICES REVIEW BOARD

**Re: Centegra Hospital - Huntley, Project No. 10-090  
Request for Expedited Remand**

Dear Ms. Avery:

Centegra Health System and Centegra Hospital – Huntley (“Centegra”), the permit holders in Project No. 10-090, respectfully request that the Review Board expedite this matter upon the remand ordered by the Circuit Court of Will County in the consolidated complaints filed against the Review Board and Centegra by Advocate Hospital Corporation, Sherman Hospital and Mercy Alliance, Inc. challenging the Board’s final decision to approve Centegra’s application for permit.

Circuit Court Judge Petrungaro, while retaining jurisdiction of the cases, has remanded this matter to the Review Board “to provide further explanation of page 10 of its Written Final Decision dated September 11, 2012.” Remand Order dated July 23, 2013. Centegra respectfully requests that the Review Board act on the Remand Order and issue the requested explanation at its scheduled meeting on August 13, 2013 so that the matter can be returned to the Circuit Court as quickly as possible.

The Review Board approved Centegra’s project on July 24, 2012, and Advocate, Sherman and Mercy filed their complaints in August 2012. The cases have been pending in the Circuit Court for almost a full year. The delay of litigation commenced by competing hospitals is among the largest burdens faced by applicants for new hospitals and, as one court noted years ago, is a significant reason why “[t]he last CON to be granted to an inpatient hospital in Illinois that was not replacing an existing facility was in 1976.” *U.S. v. Rockford Memorial Corporation*, 717 F. Supp. 1251, 1281 fn.20 (N.D. Ill. 1989). In the 24 years since that judicial observation, only one new non-replacement acute care hospital has been built – Adventist Bolingbrook Hospital – and, significantly, that permit was not challenged in court.

Centegra’s near quarter-billion dollar new hospital project has already been delayed over 11 months as a result of the Advocate/Sherman/Mercy Alliance litigation. For this reason, Centegra

respectfully requests that this matter be scheduled for the August 13, 2013 Review Board meeting and, at that meeting, the Review Board issue the explanation of its September 11, 2012 Written Final Decision requested by the Circuit Court and direct that the matter be returned to the Circuit Court.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink that reads "Hadley Streng". The signature is written in a cursive style with a large, looped initial "H".

Hadley Streng  
Director, Planning and Business Development  
Centegra Health System