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September 23, 2013

VIA FEDERAL EXPRESS

Kathy J. Olson, Chair
Illinois Health Facilities
and Services Review Board
525 West Jefferson Street, 2nd Floor
Springfield, Illinois 62761

RECEIVED
SEP 23 2013
HEALTH FACILITIES &
SERVICES REVIEW BOARD

Re: Centegra Hospital-Huntley (Project 10-090)

Dear Chair and Board Members:

I previously brought to the Board's attention to two critical facts which should affect its consideration of Centegra's application to build a new hospital in Huntley, Illinois: first, when Circuit Court Judge Petrunaro remanded Centegra's application to the Board she did not limit what the Board could do on remand, and, second, a new fact has emerged since the remand which should cause the Board to deny Centegra's application, namely, the 2013 Inventory of Health Care Facilities and Services and Needs Determinations.

On September 10, 2013 Daniel Lawler on behalf of Centegra submitted a letter addressing these facts. Several things Mr. Lawler wrote are wrong.

Mr. Lawler first argues that Judge Petrunaro did not remand the case for all purposes, but rather remanded only for an explanation about the Board's curious about face approval of Centegra's application. This is a red herring. No one has suggested that Judge Petrunaro directed the Board to reconsider. The key is that Judge Petrunaro made clear that the Board was free on remand to do whatever it chose to do with Centegra's application, including voting again on the application. Judge Petrunaro specifically stated, "I'm not telling them that they can or can't revote again."

Mr. Lawler suggests that Judge Petrunaro's remarks in "context" relate only to a vote "to approve the additional explanation for the approval of Centegra's permit." To the contrary, Judge Petrunaro made clear that although she was asking for an explanation for the Board's conduct, she was not limiting what the Board could do on remand. She explained, "However they chose to do that, *and whatever else they choose to do* I don't believe is something – I think everyone can agree that I don't have jurisdiction to address that." (emphasis added)

Mr. Lawler next argues that the Board cannot consider the Inventory because “there is no statutory or regulatory basis for the Review Board to reconsider previously issued permits based on subsequent changes in the inventory.” He missed two points. First, the permit is not valid as it sits before the Board, or else Judge Petrunaro would have affirmed the Board’s action. The Judge remanded the matter to the Board because the Board’s explanation for its decision was inadequate. If the Board does not offer an explanation which survives judicial review, the permit will not survive.

Second, the permit is back before the Board on remand. While Judge Petrunaro only instructed the Board to try to provide an explanation for its decision, the Board is free to take into account changed factual circumstances while considering Centegra’s application. For example, a trial court is ordinarily limited on remand to following instructions from the appellate court. However, if there is a change in circumstances the trial court may be justified in going beyond the appellate court’s instructions, *See, e.g., Washington v. Illinois DOR*, 20006 U.S. Dist. Lexis 7067 *5-8 (C.D. Il. 2006). Similarly, the Board is not required on remand to pretend that the Inventory does not exist.

It is ironic that Centegra and Mr. Lawler are encouraging the Board to try to belatedly construct an explanation for its decision many months after that decision was made. When the Board revised its original denial letter to Centegra, Centegra and Mr. Lawler insisted the Board was acting improperly. They wrote:

“Here, the State Board’s counsel is attempting to recreate entirely new grounds for the State Board’s decision creates fictitious action of the State Board such as the issuance of a ‘report’ that was never made. The Original Denial Letter is a written judgment or order of an administrative agency, and those types of substantive amendments constitute an effort to supply omitted State Board actions that never occurred and that the State Board failed to include in its Original Denial Letter. Such changes would not be permissible *nunc pro tunc*. The Revised Denial Letter is a fiction. The State Boards’ counsel cannot reinvent its decision making months after the State Board’s vote was taken or change the history of the application’s consideration at this stage of the process ...

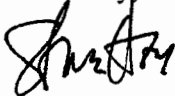
(Centegra’s Motion to Amend Original Denial Letter *Nunc Pro Tunc* and to Strike the “Revised Denial Letter,” pp. 5-6, Exhibit A).

We agree with Centegra that the Board cannot “reinvent its decision making.” Since the Board did not explain why it granted Centegra’s application, after first denying the application, rewriting the Board’s decision now “would not be permissible *nunc pro tunc*. The Board cannot reconstruct what happened, given that Board members who participated in the decision making are no longer on the Board.

Kathy J. Olson, Chair
September 23, 2013
Page 3

The only way for the Board to provide the transparency and consistency required of its decision-making process is for the Board to consider fresh the Centegra application, in light of the new Inventory.

Sincerely,



Steven H. Hoeft, P.C.

SHH/set

cc (via email and FedEx):

Frank Urso, Illinois Health Facilities and Services Review Board

Daniel Lawler, Aaron Shepley, Barnes & Thornburg

Michael Martin, Dunn, Martin, Miller & Heathcock, Ltd.

Diane Moshman, Illinois Attorney General Office

Joe Ourth, Hal Morris, Elizabeth Thompson, Arnstein & Lehr

DM_US 45183761-1.066323.0026

EXHIBIT A

**Before The
HEALTH FACILITIES AND SERVICES REVIEW BOARD
State of Illinois**

HEALTH FACILITIES AND SERVICES)	
REVIEW BOARD,)	
)	
Complainant,)	
)	
v.)	Docket No. HFSRB #11-11
)	
CENTEGRA HEALTH SYSTEM and)	
CENTEGRA HOSPITAL-HUNTLEY,)	
Project No. 10-090,)	
)	
Respondents.)	

**CENTEGRA'S MOTION TO
AMEND ORIGINAL DENIAL LETTER *NUNC PRO TUNC*
AND TO STRIKE THE "REVISED DENIAL LETTER"**

The Applicants/Respondents, Centegra Health System and Centegra Hospital-Huntley (collectively "Centegra") hereby object to the "Revised Denial Letter" submitted into the record by counsel for the Illinois Health Facilities and Services Review Board (the "State Board"), on or about March 20, 2012.

Summary of Grounds for Motion

1. The Original Denial Letter dated December 9, 2011 should be corrected *nunc pro tunc* and the Revised Denial Letter stricken for the following reasons:
 - a) The State Board's counsel violated his representation to the ALJ and his agreement with Centegra's counsel in making material, substantive changes to the Original Denial Letter and in filing the Revised Denial Letter;
 - b) Only the scrivener's errors in the Original Denial Letter should be corrected *nunc pro tunc* and neither the date nor any other content of the Original Denial Letter should be changed; and
 - c) The Revised Denial Letter attempts to recreate history by attributing prior actions to the State Board that it did not actually take.

Statement of Facts

2. The Original Denial Letter cited as the basis for the State Board's decision

Centegra's alleged failure to document compliance with the following three Review Criteria:

Criterion 1110.1430(b) [sic] – Planning Area Need;

Criterion 1110.1430(c) [sic] – Unnecessary Duplication/Maldistribution; and

Criterion 1110.3030(a) [sic] – Clinical Services Other Than Categories of Service.

A true and correct copy of the Original Denial Letter is attached hereto as **Exhibit 1**. Two of the three citations (Section 1110.1430(b) and (c)) refer to Review Criteria for in-center hemodialysis projects, inapplicable to Centegra's application.

3. On March 13, 2012, Mr. Morado advised Centegra's counsel Mr. Lawler that the State Board would correct the incorrect citations in the Original Denial Letter. Mr. Lawler agreed to the State Board revising the citation numbers in the letter.

4. On March 14, 2012, the issue of revising the Original Denial Letter was discussed at the parties' status conference, and State Board counsel stated

Under our continuing obligations to update our discovery in Section 1130.1120, we're going to be making sure that all the parties get a copy of an updated or a revised denial of permit letter for the Centegra project. After reviewing the record and the original permit denial letter, we noticed that there was two incorrect citations. So if there's no objection by the parties, we'd get that revised denial letter out to everyone.

Transcript of March 14, 2012 Status Conference at 20. Centegra counsel responded "Centegra does not object to a correction of the denial letter to correct citations." Transcript of March 14, 2012 Status Conference at 20. A true and correct copy of that portion of the March 14, 2012 transcript is attached hereto as **Exhibit 2**. Later that day, State Board counsel circulated a table of contents for the administrative record that listed the revised letter, but did not issue a revised letter, and the record did not contain the revised permit letter.

5. In an email to Mr. Urso and Mr. Morado on March 15, 2012, Mr. Lawler requested that an incorrect application project number referenced in the first paragraph of the letter also be corrected. Mr. Lawler further stated that "I understand from conversations with Juan that the other corrections are limited to the citations of the three cited review criteria on page one which will be changed to 1110.530(b), 1110.530(c) and 1110.3030, respectively." See attached email of Daniel Lawler to Frank Urso and Juan Morado, Jr. dated March 15, 2012. A true and correct copy of which is attached herein as **Exhibit 3**.

6. During the Monday morning hearing on March 19, 2012 status conference, Centegra counsel noted: "had discussions with [State Board counsel] that there were some citations in our denial letter from the state board that needed to be corrected. There is a reference in the table of contents to the record to a corrected denial letter, but it is not in the record." Transcript of March 19, 2012 Status Conference at 29. A true and correct copy of that portion of the March 19, 2012 transcript is attached hereto as **Exhibit 4**. State Board counsel responded: "I'm going to make sure this letter gets out this afternoon. We were trying to wait till after today's status to see where the case was going..." (Transcript of March 19 Status Conference at 29.) Later that day, State Board counsel circulated the Revised Denial Letter, and its changes far exceeded mere citation corrections.

7. The Revised Denial Letter inserted additional types of information and materials, not listed in the Original Denial Letter, that the State Board purportedly considered when it rendered its decision. These additional types of information included: requested information, public comment, public hearing testimony, Illinois Department of Public Health findings, and other information coming before it. A true and correct copy of the Revised Denial Letter is attached hereto as **Exhibit 5**.

8. Not only did the State Board add new types of information that it supposedly considered when making its decision, the Revised Denial Letter also refers to an unknown "report" of the State Board. The Revised Denial Letter states: "the State Board reported that the applicant's failure to document that a project of its nature and scope as that proposed is appropriate for the reasons stated in the following allegations of non-compliance." This new language was not included in the Original Denial Letter. The letter does not identify when or to whom the State Board supposedly made this report. The official record of this administrative hearing contains no reports of the State Board, and Centegra never received notice of any State Board reports.

9. In addition, the Revised Denial Letter contained many other changes from the Original Denial Letter. A "redline" comparison of the Original Denial Letter and Revised Denial Letter is attached hereto as **Exhibit 6**.

10. Changing the types of information considered by the State Board and adding references to a Board "report" are substantive changes to the Original Denial Letter, not mere corrections to citations. The changes in the Revised Denial Letter far exceed the correction of mis-cited Review Criteria, which was the *only* change the State Board's counsel committed to changing, and to which Centegra's counsel had agreed, along with the one correction of the project number reference.

Argument

The Scrivener's Errors In The Original Denial Letter Should Be Corrected *Nunc Pro Tunc*

11. At the March 14th hearing, State Board counsel stated he would correct the erroneous citation to the Review Criteria in the Original Denial Letter. The erroneous citations constitute scrivener's errors or clerical errors, not substantive or content-related errors. In such

circumstances, the only appropriate remedy is for the State Board to correct the citation errors *nunc pro tunc*.

12. *Nunc pro tunc* orders are intended to correct clerical errors or matters of form in a prior order to ensure that the record conforms to the actions actually taken by an agency. See *Gounaris v. City of Chicago*, 321 Ill. App. 3d 487, 493 (1st Dist. 2001). Administrative agencies have the same authority as trial courts to enter *nunc pro tunc* orders to correct inconsistencies in a written record or clerical errors. *Id.*

13. *Nunc pro tunc* orders, however, cannot be used to provide for omitted judicial actions, to cure jurisdictional defects, or to correct judicial errors that are the result of deliberate but erroneous judicial reasoning. *Gounaris*, 321 Ill. App. 3d at 493. In addition, *nunc pro tunc* orders must:

be based upon definite and precise evidence in the record. The certainty of evidence must be assured without reliance upon the memory of the judge or any other person. Further, a *nunc pro tunc* order cannot be based upon *ex parte* affidavits or testimony.

Gounaris, 321 Ill. App. 3d at 493 (internal citations omitted).

14. The Revised Denial Letter should have been issued *nunc pro tunc* because the parties had agreed that simple corrections to citation numbers were to be made to the Original Denial Letter. The incorrect citations were scrivener's errors or clerical errors, not substantive content, and are exactly the type of corrections that *nunc pro tunc* orders are intended to resolve.

15. Here, the State Board's counsel is attempting to recreate entirely new grounds for the State Board's decision and creates fictitious action of the State Board such as the issuance of a "report" that was never made. The Original Denial Letter is a written judgment or order of an administrative agency, and those types of substantive amendments constitute an effort to supply

omitted State Board actions that never occurred and that the State Board failed to include in its Original Denial Letter. Such changes would not be permissible *nunc pro tunc*.

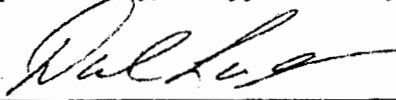
16. The Revised Denial Letter is a fiction. The State Board's counsel cannot reinvent its decision-making months after the State Board's vote was taken or change the history of the application's consideration at this stage of the process. The Original Denial Letter should be revised to correct only clerical/citation errors, and the Revised Denial Letter should be stricken from the record.

WHEREFORE, the Applicants/Respondents Centegra Health System and Centegra Hospital-Huntley hereby move to correct the Original Denial Letter *nunc pro tunc*, to strike the Revised Denial Letter and grant the Applicants/Respondents with additional relief to which they are entitled upon the premises.

Dated: March 23, 2012

Respectfully submitted,

Centegra Health System and Centegra
Hospital-Huntley, the Applicants/Respondents

By: 

One of their Attorneys

Daniel J. Lawler
Claire Reed
K&L GATES LLP
70 West Madison Street
Suite 3100
Chicago, IL 60602
Phone: (312) 372-1121
Fax: (312) 827-8114
E-mail: daniel.lawler@klgates.com

Index of Exhibits

- 1 **Original Denial Letter dated December 9, 2011**
- 2 **Transcript of March 14, 2012 Prehearing Conference**
- 3 **E-mail of Daniel J. Lawler to Frank Urso and Juan Morado, Jr. dated March 15, 2012**
- 4 **Transcript of March 19, 2012 Status Conference**
- 5 **Revised Denial Letter dated March 19, 2012**
- 6 **"Redline" comparison of Original Denial Letter and Revised Denial Letter**

Exhibit 1



STATE OF ILLINOIS
HEALTH FACILITIES AND SERVICES REVIEW BOARD

525 WEST JEFFERSON ST. • SPRINGFIELD, ILLINOIS 62761 • (217) 782-3516 • FAX: (217) 785-4111

December 9, 2011

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Hadley Streng, Director
Planning and Business Development
Centegra Health System
385 Millennium Drive
Crystal Lake, IL 60012

RE: **DENIAL OF APPLICATION**
Notice of an Opportunity for an Administrative Hearing
Illinois Health Facilities Planning Act
PROJECT: #10-090 - Centegra Hospital-Huntley
APPLICANT(S): Centegra Health System
Centegra Hospital-Huntley

Dear Ms. Streng:

On December 7, 2011 the Illinois Health Facilities Planning Board issued its denial of the application for permit for the above-referenced project. The State Board rendered its decision following consideration of the CON application, supplemental information, public hearing materials, the State Board Staff Agency Report and the testimony of the applicant. The State Board's decision is based upon the applicant's failure to document that Project #10-089 as that proposed is in compliance with State Board's review criteria. The following are the allegations of non-compliance the State Board observed in the application:

Allegations of Non-Compliance

The applicants did not document conformance with the following review criteria:

- Criterion 1110.1430(b) - Planning Area Need
- Criterion 1110.1430(c) - Unnecessary Duplication/Maldistribution
- Criterion 1110.3030(a) - Clinical Services Other Than Categories of Service

Section 10 of the Illinois Health Facilities Planning Act (the "Act"), P.A. 78-1156 as amended, [20 ILCS 3960/10] affords you the opportunity for a hearing before a hearing officer appointed by the Director of the Illinois Department of Public Health. Such hearing shall be conducted in accordance with the provisions specified in Section 10 of the Act and the implementing rules, 77 IAC Part 1130. If you decide to exercise your right to an administrative hearing, you must submit a written notice of a request for such hearing to the Administrator of the State Board, postmarked within 30 days of

DENIAL LETTER

Page 2 of 2

receipt of this notice.

Notice to the Administrator may be made by forwarding the written request to my attention at the following address:

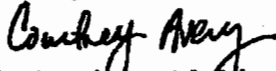
Courtney Avery, Administrator
Illinois Health Facilities and Services Review Board
525 West Jefferson Street, 2nd Floor
Springfield, Illinois 62761

Notice to the Administrator constitutes notice to the State Board (77 IAC 1130.1020(b)). Failure to submit your request within this period constitutes a waiver of your right to an administrative hearing.

If you decide to exercise your right to an administrative hearing, the Illinois Health Facilities and Services Review Board, shall, within 30 days after the receipt of your request, appoint a hearing officer. The administrative hearing will afford you the opportunity to demonstrate that the application is consistent with the criteria upon which the action of the State Board was based. The State Board shall make a final determination following its consideration of the report of the administrative hearing, or upon default of the party to the hearing.

Should you have any questions, please contact Mike Constantino at 217 782 3516.

Sincerely,



Courtney Avery, Administrator
Illinois Health Facilities and Services Review Board

Cc: Dale Galassie, Chairman
Frank Urso, General Counsel

Exhibit 2

1 ILLINOIS HEALTH FACILITIES
AND SERVICES REVIEW BOARD

2 STATE OF ILLINOIS

3

4 HEALTH FACILITIES AND SERVICES)
5 REVIEW BOARD,)

6)

7 Complainant,)

8)

9 -vs-) DOCKET NO.

10) HFSRB #11-11

11 CENTEGRA HOSPITAL HUNTLEY,)

12 PROJECT #10-090,)

13)

14 Respondents.)

15

16 Telephonic Prehearing Conference held,
17 pursuant to Notice, on the 14th day of March, 2012,
18 between the hours of 10:32 a.m. and 11:12 a.m., at the
19 office of Hart, Southworth & Witsman, One North Old
20 State Capitol Plaza, Suite 501, Springfield, Illinois,
21 before Mr. Richard Hart, duly appointed Hearing
22 Officer.

23

24 TRANSCRIPT OF PROCEEDINGS

1 to intervene.

2 MR. URSO: The Board has nothing further
3 regards to the two petitions for intervention, one
4 from Mercy and one from Advocate. This is Frank Urso.

5 HEARING OFFICER HART: All right. Thank
6 you.

7 And both petitions will be allowed and
8 they will be allowed to intervene in this matter, the
9 Advocate and the Mercy petition.

10 And then if that disposes of those matters
11 -- and I think you summarized it well, Mr. Urso. You
12 know, as we go forward, none of us have a crystal ball
13 as to what's going to be presented, but we can address
14 things as we go forward and keep the reins on where we
15 go and how we get there. So thank you all for your
16 brief and your arguments on this matter.

17 And so going forward now, we'll talk about
18 -- we have this set and is there anything further that
19 we need to discuss about additional discovery or
20 anything before we have our hearing?

21 MR. LAWLER: Your Honor, this is Dan
22 Lawler. Nothing from Centegra. Mr. Morado has
23 contacted me earlier this week about the matters that
24 he was going to raise.

1 MR. MORADO: Correct, Your Honor. This is
2 Juan Morado. Under our continuing obligations to
3 update our discovery in Section 1130.1120, we're going
4 to be making sure that all the parties get a copy of
5 an updated or a revised denial of permit letter for
6 the Centegra project.

7 After reviewing the record and the
8 original permit denial letter, we noticed that there
9 was two incorrect citations. So if there's no
10 objection by the parties, we'd get that revised denial
11 letter out to everyone.

12 And just for the intervenors who have been
13 allowed to intervene in this matter, we do have copies
14 of the complete record of the Centegra file ready for
15 them, and we would request that they pick those copies
16 up today from our office sometime after 2 p.m.

17 HEARING OFFICER HART: All right.
18 Anything further?

19 MR. LAWLER: Mr. Hart, this is Dan Lawler.
20 Centegra does not object to a correction of the denial
21 letter to correct citations.

22 MR. WEBSTER: This is Bryan Webster on
23 behalf of Mercy. We have no objection. And we'll
24 also have someone go over to the State's office after

Exhibit 3

Lawler, Daniel

From: Lawler, Daniel
Sent: Thursday, March 15, 2012 6:25 PM
To: Frank Urso (frank.urso@illinois.gov); Juan Morado Jr. (juan.morado@illinois.gov)
Subject: Corrected denial letter for Centegra Hospital-Huntley

Frank and Juan,

One other correction to Centegra's December 9, 2011 Denial Letter is that the project number in the first paragraph, fifth line, needs to be changed from #10-089 to #10-090. I understand from conversations with Juan that the other corrections are limited to the citations of the three cited review criteria on page one which will be changed to 1110.530(b), 1110.530(c) and 1110.3030, respectively.

Dan

Exhibit 4

STATUS CONFERENCE 3/19/2012

Page 1

1 ILLINOIS HEALTH FACILITIES AND SERVICES
2 REVIEW BOARD
3 STATE OF ILLINOIS
4
5
6 ILLINOIS HEALTH)
7 FACILITIES AND SERVICES)
8 REVIEW BOARD,)
9 Complainant,)
10 vs) Docket No. HFSRB #11-11
11 CENTEGRA HOSPITAL HUNTLEY)
12 PROJECT #10-090,)
13)
14 Respondent.)

15
16
17 Telephonic Status Conference held on March 19,
18 2012, at the law offices of Hart, Southworth &
19 Witsman, One North Old State Capitol Plaza, Suite 501,
20 Springfield, Illinois, scheduled for the hour of 10:00
21 a.m.

1 discussion prior to the hearing.

2 Is there anything further this morning? If

3 not, that will --

4 MR. LAWLER: Mr. Hart, this is Dan Lawler

5 HEARING OFFICER HART: Yes?

6 MR. LAWLER: Yes. I have had discussions
7 with Mr. Morado for the review board that there were
8 some citations in our denial letter from the state
9 board that needed to be corrected. There is a
10 reference in the table of contents to the record to a
11 corrected denial letter, but it is not in the record.
12 So I just wanted to get some clarification from the
13 state board's counsel as to if and when the corrected
14 denial letter would be ready.

15 MR. MORADO: Your Honor, Juan Morado. I'm
16 going to make sure this letter gets out this
17 afternoon. We were trying to wait till after today's
18 status to see where the case was going, but I can have
19 that out to all the parties this afternoon along -- I
20 believe not everyone has our witness list either. I
21 will make sure all those documents get out.

22 HEARING OFFICER HART: All right.

23 MR. LAWLER: Thank you.

24 HEARING OFFICER HART: Anything further?

Exhibit 5



STATE OF ILLINOIS
HEALTH FACILITIES AND SERVICES REVIEW BOARD

525 WEST JEFFERSON ST. • SPRINGFIELD, ILLINOIS 62761 • (217) 782-3516 • FAX: (217)-786-4111

March 19, 2012

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Hadley Streng, Director
Planning and Business Development
Centegra Health System
385 Millennium Drive
Crystal Lake, IL 60012

RE: **REVISED DENIAL OF APPLICATION**
Notice of an Opportunity for an Administrative Hearing
Illinois Health Facilities Planning Act
PROJECT: 10-090 - Centegra Hospital-Huntley
APPLICANT(S): Centegra Health System
Centegra Hospital-Huntley

Dear Ms. Streng:

On December 7, 2011 the Illinois Health Facilities Planning Board issued its denial of the application for permit for the above-referenced project. Pursuant to 77 IAC Part 1130.655, the State Board rendered its decision following consideration of the application, the State Board Staff Report, requested or supplemental information, public comment, public hearing testimony, Illinois Department of Public Health findings, other information coming before it, and the testimony of the applicant. The State Board reported that the applicant's failure to document that a project of the nature and scope as that proposed is appropriate for the reasons stated in the following allegations of non-compliance:

Allegations of Non-Compliance

The applicants did not document conformance with the following review criteria:

- Criterion 1110.530(b) - Planning Area Need
- Criterion 1110.530(c) - Unnecessary Duplication/Maldistribution
- Criterion 1110.3030 - Clinical Services Other Than Categories of Service

Section 10 of the Illinois Health Facilities Planning Act (the "Act"), P.A. 78-1156 as amended, [20 ILCS 3960/10] affords you the opportunity for a hearing before a hearing officer appointed by the Director of the Illinois Department of Public Health. Such hearing shall be conducted in accordance with the provisions specified in Section 10 of the

DENIAL LETTER

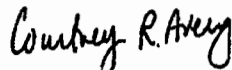
Page 2 of 2

the implementing rules, 77 IAC Part 1130. If you decide to exercise your right to a hearing, you must submit a written notice of a request for such hearing to the Administrator of the State Board, postmarked within 30 days of receipt or delivery of this notice.

Notice to Administrator may be made by forwarding the written request to my attention at the following address: Illinois Health Facilities and Services Review Board, Attention: Courtney R. Avery, Administrator, Division of Health Systems Development, 525 West Jefferson Street (2nd Floor), Springfield, Illinois 62761. Notice to the Administrator constitutes notice to the State Board (77 IAC 1130.1020(b)). Failure to submit your request within this period constitutes a waiver of your right to a hearing.

If you decide to exercise your right to a hearing, the Illinois Health Facilities and Services Review Board, shall, within 30 days after the receipt of your request, appoint a hearing officer. The hearing will afford you the opportunity to demonstrate that the application is consistent with the criteria upon which the action of the State Board was based. Following its consideration of the report of the hearing, or upon default of the party to the hearing, the State Board shall make its final determination.

Sincerely,



Courtney R. Avery, Administrator
Illinois Health Facilities and Services Review
Board

Exhibit 6

**STATE OF ILLINOIS
HEALTH FACILITIES AND SERVICES REVIEW BOARD**

525 WEST JEFFERSON ST. SPRINGFIELD, ILLINOIS 62761 • (217) 782-3516 FAX: (217) 785-4111

~~December 9~~ March 19, 2012

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Hadley Streng, Director
Planning and Business Development Centegra Health System
385 Millennium Drive
Crystal Lake, IL 60012

RE: REVISED DENIAL OF APPLICATION
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Allegations of Non-Compliance

The applicants did not document conformance with the following review criteria:

- Criterion ~~110.430~~ 110.530(b) - Planning Area Need
- Criterion ~~110.1430~~ 110.530(c) - Unnecessary Duplication/Maldistribution
- Criterion 110.3030(a) - Clinical Services Other Than Categories of Service

Section 10 of the Illinois Health Facilities Planning Act (the "Act"), P.A. 78-1156 as amended, [20 ILCS 3960/10] affords you the opportunity for a hearing before a hearing

Review Board denial letter Dec 9 2011-9284238V1 and Review Bd. letter March 19, 2012-9284242V1

officer appointed by the Director of the Illinois Department of Public Health. Such hearing shall be conducted in accordance with the provisions specified in Section 10 of

PAGE 2339 of 2340

DENIAL LETTER

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~~the Act and the implementing rules, 77 IAC Part 1130. If you decide to exercise your right to an administrative hearing, you must submit a written notice of a request for such hearing to the Administrator of the State Board, postmarked within 30 days of~~

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~~of 2~~

receipt or delivery of this notice.

Notice to ~~the~~ Administrator may be made by forwarding the written request to my attention at the following address:

~~Courtney Avery, Administrator~~
Illinois Health Facilities and Services Review Board, Attention: Courtney R. Avery,
Administrator, Division of Health Systems Development, 525 West Jefferson Street, (2nd
Floor), Springfield, Illinois 62761

Notice to the Administrator constitutes notice to the State Board (77 IAC 1130.1020(b)). Failure to submit your request within this period constitutes a waiver of your right to ~~an~~ administrative hearing.

If you decide to exercise your right to ~~an administrative~~ hearing, the Illinois Health Facilities and Services Review Board, shall, within 30 days after the receipt of your request, appoint a hearing officer. ~~The administrative hearing will afford you the opportunity to demonstrate that the application is consistent with the criteria upon which the action of the State Board was based. The State Board shall make a final determination. Following its consideration of the report of the administrative hearing, or upon default of the party to the hearing, the State Board shall make its final determination.~~

~~Should you have any questions, please contact Mike Constantino at 217-782-3516.~~

Sincerely,

Courtney R. Avery, Administrator
Illinois Health Facilities and Services Review
Board

~~Cc: Dale Galassie, Chairman~~

Review Board denial letter Dec 9 2011-9284238V1 and Review Bd. letter March 19, 2012-9284242V1

~~Frank Urso, General Counsel~~

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Summary Report:	
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Delete	37
Move From	5
Move To	5
Table Insert	0
Table Delete	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Total Changes:	80