



STATE OF ILLINOIS
HEALTH FACILITIES AND SERVICES REVIEW BOARD

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

July 25, 2011

CERTIFIED LETTER
RETURN RECEIPT REQUESTED

Anne Murphy, Partner
Holland & Knight
131 South Dearborn
Chicago, Illinois 60603

Re: Declaratory Ruling Request

Dear Ms. Murphy:

Please accept this correspondence as a response to your letter dated February 24, 2011 requesting a declaratory ruling to reduce the fees associated with the Certificate Of Need applications for the merger of Provena and Resurrection Health Systems (applicants). As you are aware, these certificate of need applications were received by the Illinois Health Facilities and Services Review Board ("State Board") on July 6, 2011, deemed complete July 11, 2011 and are scheduled to be heard at the October 12, 2011 State Board Meeting.


The State Board rules are clear regarding the fees to be assessed for projects for a change of ownership. The State Board has determined that an applicant for an exemption for a change of ownership be assessed a \$2,500 fee if the applicant can meet certain financial requirements. The fee for a certificate of need is based upon a percentage of the total project cost. Therefore, the applicants did not qualify for an exemption because they do not meet the financial requirements detailed in the State Board's rules.

The State Board has consistently assessed the appropriate fees whether the fees are for an exemption or a certificate of need. There has been no fee related differentiation made for any project because of the type of entity (not-for-profit or for-profit) or because the transaction is unique or unusual. All entities are considered health care facilities and every transaction is deemed to be unique. The applicants were assessed the appropriate fee and the failure to submit the balance of the fee owed within the required timeframe would nullify these applications for permit.

In this matter the certificate of need application fees were assessed correctly.

If you should have any questions, I can be reached at 217-782-3516.

Sincerely,


Courtney Avery
Administrator