



STATE OF ILLINOIS HEALTH FACILITIES AND SERVICES REVIEW BOARD

Kathryn J. Olson, Board Chair

October 20, 2015

VIA U.S. Mail and E-MAIL

Daniel J. Lawler
Barnes & Thornburg LLP
One North Wacker Drive, Suite 4400
Chicago, IL 60606

Re: October 6, 2015 Letter- Barnes and Thornburg Objections to Applications 15-038, 15-039, 15-040

Dear Mr. Lawler,

The Health Facilities and Services Review Board ("Board") received your letter stating objections and requests on behalf of your client OSF Saint Anthony on October 7, 2015. In your letter you outlined your client's request that the Board "suspend further review" of Certificate of Need ("CON") Applications 15-038, 15-039, 15-040, and to "ensure that the applicant's communications to the Board do not prejudice any party or adversely affect the fairness of the proceedings." The Board takes any allegations of prejudice and malfeasance very seriously. Fairness, transparency, and efficiency are the foundation of the CON process.

Rules pertaining to written comments are found in 77 Ill. Admin. Code 1130.950. The comments you objected to were submitted by the applicants in the correct format and in a timely manner under these rules. However, during the pendency of your request we received a separate technical assistance question from the applicants. The subject of that question was whether Board staff could change the characterization of the letter in question from "support letter" to "comment." Based on this request, Board Staff has removed the "support letter" characterization from our website. The letter is still a part of the project files and is now listed as a congratulatory letter, which is the same characterization you use in your October 6, 2015 letter. As of today, Board staff has not forwarded any of the documents associated with applications 15-038, 15-039, 15-040 to Board Members. Therefore there is no basis in rule or law to suspend review of the applications in question.

If you have any additional questions or concerns please feel free to contact me at 312-814-2678.

Best,

A handwritten signature in blue ink that reads "Juan Morado Jr.".

Juan Morado Jr.
General Counsel
Health Facilities and Services Review Board

Mr. Daniel J. Lawler
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cc: Courtney Avery
Mike Constantino
George Roate
Jeannie Mitchell