

**Andrew P. Tecson**

Writer's Direct Line  
(312) 855-4321

Writer's Email  
atecson@chuhak.com

Thomas S. Chuhak  
1920-1995  
Joseph A. Tecson  
1928-2015

**Principals**  
John P. Adams  
James P. Arrigo  
K. Shaylan Baldwin  
Jeralyn H. Baran  
David J. Bloomberg  
Steven P. Bloomberg  
Kimberly Boike  
Mark E. Broadus  
Stacey C. Bromberg  
Edmond M. Burke  
Cami A. Conlon

Francisco E. Connell  
William F. DeYoung  
William P. Ellsworth  
David J. Feinberg  
Mitchell S. Feinberg  
Phyllis K. Franklin  
Valerie J. Freireich  
Daniel J. Fumagalli  
Ryan A. Haas  
Kristen E. Hudson  
Joshua S. Hyman  
Terrell J. Isselhard  
Edwin I. Josephson  
Arnold E. Karolewski  
Loretto M. Kennedy  
Amanda E. Losquadro

Lindsey P. Markus  
Adam R. Moreland  
Patricia C. O'Brien  
Kevin R. Purtil  
Donald J. Russ, Jr.  
Eileen M. Sethna  
David B. Shiner  
Sanjay Shivpuri  
Miriam R. Stein  
James R. Stevens  
Andrew P. Tecson  
David J. Tecson  
Molly A. Ward  
Mitchell D. Weinstein  
Anne M. Wolniakowski  
Stephen A. Wood

**Associates**  
Kara Allen  
Sara L. Anaszewicz  
Kurt J. Anderson  
Adam K. Beattie  
Evan D. Blewett  
Michael W. Debre  
Paulina Garga-Chmiel  
Andrew L. Glubisz  
Amy Grace  
Kathryn L. Kaler  
Sarah K. Lash  
Jamie E. Levin  
Elizabeth J. Osborne  
Meredith C. Pike  
Christopher J. Rog

Lorien E. Schoensted  
Sachin P. Shah  
Terence G. Tiu

**General Counsel**  
Cary S. Fleischer

**Of Counsel**  
Barry A. Feinberg  
Lawrence E. Glick  
James B. Gottlieb  
Albert L. Grasso  
Stephen M. Margolin  
Daniel A. Padernach  
Ronald N. Primack

May 26, 2016

**VIA FEDERAL EXPRESS**

Illinois Health Facilities and Services Review Board  
525 West Jefferson Street, Second Floor  
Springfield, Illinois 62761  
Attention: Chairperson Olson

**RECEIVED**

MAY 27 2016

**HEALTH FACILITIES &  
SERVICES REVIEW BOARD**

**Re: Opposition to Project 15-044  
Transformative Health of McHenry**

Dear Chairperson Olson:

On behalf of ManorCare Health Services, LLC, HCR Healthcare, LLC, HCR ManorCare, Inc. (collectively "ManorCare") and ManorCare Health Services – Libertyville LLC, (collectively with ManorCare, the "ManorCare Parties"), please accept this letter as a statement of the ManorCare Parties' continued opposition to Project 15-044, Transformative Health of McHenry (the "TH Project"). The ManorCare Parties oppose the TH Project because of the current pending litigation between the Illinois Health Facilities and Services Review Board ("State Board") and the ManorCare Parties related to the State Board's denial of ManorCare's application (Project #12-039) for a certificate of need ("CON") permit to establish and operate a 130-bed skilled nursing facility in McHenry County (the "ManorCare Project").

On November 13, 2015, the Circuit Court of McHenry County reversed the State Board decision denying the ManorCare Project and issued an order instructing the State Board to issue a CON permit for the ManorCare Project. The State Board has appealed this decision, which appeal is currently pending.

If the State Board believes that there is no additional need in McHenry County, then it must deny the TH Project.

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Conversely, if the State Board believes that the voluminous information supplied by Transformative Health regarding the existing providers, including without limitation age of facility, square footage, operating costs, inspection citations, and capital expenditures constitutes a good reason to overlook Transformative Health's inability to comply with the three criteria described below, then the State Board should deny the TH Project, follow the direction of the Circuit Court to approve the ManorCare Project, and withdraw its appeal of the ManorCare Project.

If the State Board approves the TH Project, it is creating unnecessary duplication of services and approving duplicative beds, as the ManorCare Project will satisfy the calculated bed need in McHenry County.

In addition, nothing in the additional information submitted by Transformative Health mitigates the negative findings of the State Board Staff set forth in the Staff Report for the February 16, 2016 State Board meeting (the "Staff Report"). The Staff Report reflects that the TH Project did not satisfy three (3) criteria: 1125.570 Service Accessibility, 1125.580(b) Maldistribution and 1125.580(c) Impact of Project on Area Providers.

**Inability to Satisfy Service Accessibility Criterion**

With respect to Service Accessibility, Transformative Health alleges that they have satisfied such criterion because a portion of McHenry County is classified as a Medically Underserved Area. However, the requirement of 1125.570 states that the applicant is required to document that the area population and existing care system exhibit indicators of medical care problems. The proposed location of the TH Project is not in a Medically Underserved Area. Further, Transformative Health does not provide any documentation to support that the existence of a Medically Underserved Area in McHenry County indicates that there are medical care problems in the area to be served by the TH Project.

Additionally, the proposed location of the TH Project is on the campus of Centegra Hospital-McHenry and, in its comments to the State Board at the February 16, 2016 State Board meeting, Transformative Health confirmed that the target patient population to be served by the TH Project is short-term stay patients being discharged from Centegra Hospital-McHenry with an average length of stay of 28 days. Accordingly, the TH Project is not helping to address any medical care problem that might exist in a Medically Underserved Area. Its proposed patient base will already be receiving care at Centegra Hospital-McHenry and absent the TH Project, such patients would be discharged to another facility in the area.

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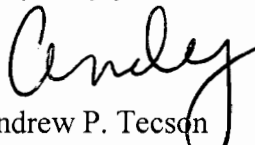
**Inability to Satisfy Impact of Project on Area Providers Criterion**

The only purported evidence that Transformative Health provides in response to this criterion is to point to the State Board's Inventory and state that because there is a projected bed need, the TH Project will not lower the utilization of other providers in the planning area. In reality, there is no bed need in the planning area since the State Board has been directed to approve the ManorCare project it denied in 2012.

**Conclusion**

For the reasons set forth herein, the State Board must deny the TH Project.

Very truly yours,

  
Andrew P. Tecson

APT:ktb