

ARNSTEIN & LEHR LLP

Accomplished lawyers who understand your goals.

120 South Riverside Plaza · Suite 1200
Chicago, Illinois 60606
Phone 312.876.7100 · Fax 312.876.0288
www.arnstein.com

Joe Ourth
312.876.7815
jourth@arnstein.com

February 10, 2015

Via Overnight Courier

RECEIVED

FEB 11 2016

HEALTH FACILITIES &
SERVICES REVIEW BOARD

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

Re: Alden Estates – Courts of New Lenox – Project No. 15-051
Public Comment Submitted Past Deadline

Dear Ms. Avery:

We recently noticed new public comment filed in connection with the Alden New Lenox project referenced above and posted to the Board's website. It appears that the public comment letter was received by the Review Board after the deadline for submitting public comment.

Letters from Lemont Nursing & Rehabilitation Center are marked as having been received by the Review Board on February 1, 2016. The public notice posted for this Project on the Review Board website provides that the "Any person wanting to submit written comments on this project must submit these comments by January 27, 2016." A copy of the public notice is attached to this letter.

As you are aware, the Review Board regulations that "Written comments that are received after the prescribed date shall be considered ex parte and shall not be forwarded to HFSRB or to the applicant." 77 Ill.Admin.Code 1130.950(e). Copies of applicable sections of the regulations are attached for your convenient reference. Your public notice and the Board's website provide good information to parties as to the deadlines for public comments. Similarly, the Board's regulations are clear that comments submitted after the deadline are not to be considered by the Review Board.

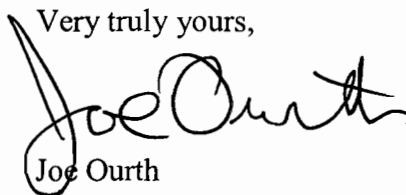
On behalf of the applicant, we respectfully request the public comments submitted after the deadline be omitted and not sent to the Board.

CHICAGO MIAMI FORT LAUDERDALE WEST PALM BEACH BOCA RATON SPRINGFIELD

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Ms. Courtney Avery
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As always, we thank you for your kind consideration of this matter.

Very truly yours,

Joe Ourth

JRO:vv
Enclosures

The application contained a Safety Net Impact Statement and was declared complete on **October 16, 2015**. Written requests for public hearing must be received by the Illinois Health Facilities and Services Review Board no later than **November 2, 2015**. To view or download a copy of this application, please [CLICK HERE](#). The application can also be viewed at the offices of the Illinois Health Facilities and Services Review Board at the address below.

Consideration by the State Board has been tentatively rescheduled for the **February 16, 2016, State Board Meeting**. Any person wanting to submit written comments on this project must submit these comments by **January 27, 2016**.

The State Board will post its findings in a State Board Staff Report, and the report will be made available via the internet on **February 2, 2016**. The public may submit written responses to errors in the findings of Board Staff to the Illinois Health Facilities and Services Review Board. The public will have until **9:00 am, February 8, 2016** to submit responses. The internet address used to access this report is:

<http://www.hfsrb.illinois.gov/sars.htm>

Alden Estates-Courts of New Lenox, New Lenox 15-051

In accordance with the requirements of the Illinois Health Facilities Planning Act, notice is given of receipt to establish a Long Term Care (LTC) facility. Project 15-051, Alden Estates-Courts of New Lenox, New Lenox. Applicants: New Lenox Investments I, LLC, Alden Estates-Courts of New Lenox, Inc., Alden New Lenox, LLC, and The Alden Group, Ltd. The applicants propose to establish a 140-bed Long Term Care facility in 107,000 GSF of space, located on Cedar Crossing Drive, adjacent to Silver Cross Hospital, New Lenox. Project cost: \$32,083,309.

The application was declared complete on **November 6, 2015**. Written requests for public hearing must be received by the Illinois Health Facilities and Services Review Board no later than **November 23, 2015**. To view or download a copy of this application, please [CLICK HERE](#). The application can also be viewed at the offices of the Illinois Health Facilities and Services Review Board at the address below.

Consideration by the State Board has been tentatively scheduled for the **February 16, 2016, State Board Meeting**. Any person wanting to submit written comments on this project must submit these comments by **January 27, 2016**.

The State Board will post its findings in a State Board Staff Report, and the report will be made available via the internet on **February 2, 2016**. The public may submit written responses to errors in the findings of Board Staff to the Illinois Health Facilities and Services Review Board. The public will have until **9:00 am, February 8, 2016** to submit responses. The internet address used to access this report is:

<http://www.hfsrb.illinois.gov/sars.htm>

Sauget Dialysis, Sauget 15-052

In accordance with the requirements of the Illinois Health Facilities Planning Act, notice is given of receipt to add End Stage Renal Dialysis (ESRD) stations to an existing ESRD facility. Project 15-052, Sauget Dialysis, Sauget. Applicants: DaVita Healthcare Partners,

Joint Committee on Administrative Rules

ADMINISTRATIVE CODE

TITLE 77: PUBLIC HEALTH

CHAPTER II: HEALTH FACILITIES AND SERVICES REVIEW BOARD

SUBCHAPTER b: OTHER BOARD RULES

PART 1130 HEALTH FACILITIES AND SERVICES REVIEW OPERATIONAL RULES

SECTION 1130.950 WRITTEN COMMENTS ON APPLICATIONS FOR PERMIT

Section 1130.950 Written Comments on Applications for Permit

- a) Provision for and Types of Written Comments
 - 1) Written comments regarding an application and any supplemental information pertaining to an application shall be submitted in accordance with the Notice of Review requirements of this Subpart, in accordance with public hearing requirements established at the direction of the hearing officer, or in accordance with requirements for additional testimony established as a request from and at the direction of HFSRB.
 - 2) Persons who have previously participated in any public hearings or submitted written comments related to a project shall not repeat previously submitted comments.
- b) Submission of Comments
 - 1) Written comments are to be submitted to HFSRB or its Administrator at:

Illinois Health Facilities and Services Review Board
525 West Jefferson St., 2nd Floor
Springfield IL 62761
 - 2) Those written comments that have been addressed and submitted as described in this subsection will be included as part of the public record, provided that such comments have been received within the prescribed time frame and in accord with the requirements of this Subpart. Persons submitting comments are responsible for assuring that the Board's staff receive the comments within the prescribed time frame. No person shall knowingly provide ex parte comment to any HFSRB member or staff in contravention of Section 1130.630(d) (see 20 ILCS 3960/4.2).
- c) Format of Comments

- 1) Written comments shall contain a signature and the name and address of the person submitting the comments. Written comments shall be on 8½ by 11" paper .
 - 2) All written comments shall be submitted within the allowable time frames established in Sections 1130(b) and 1130.920(a)(5), and shall be sent only by any recognized overnight courier or personal delivery service.
 - 3) Written comments submitted by email or fax will not be accepted.
- d) **Forwarding of Comments to HFSRB and to Applicant**
All written comments that are received within the specified time frame will be forwarded by HFSRB staff to HFSRB members and to the applicant in advance of the HFSRB meeting date.
- e) **Ex Parte Comments**
Written comments that are received after the prescribed date shall be considered ex parte and shall not be forwarded to HFSRB or to the applicant.
- f) **Validity of Comments**
- 1) Written comments filed with HFSRB or oral statements made under oath to HFSRB under any Board matter that are subsequently found to be false or inaccurate will serve as a basis for an HFSRB investigation of the matter.
 - 2) HFSRB may require the person who made the false or inaccurate comments or statements to appear before the Board. HFSRB may censure that person. Further, HFSRB may determine that person to be ineligible to provide written comments or oral statements concerning any future Board considerations.

(Source: Amended at 37 Ill. Reg. 6227, effective June 1, 2013)

Joint Committee on Administrative Rules

ADMINISTRATIVE CODE

TITLE 77: PUBLIC HEALTH

CHAPTER II: HEALTH FACILITIES AND SERVICES REVIEW BOARD

SUBCHAPTER b: OTHER BOARD RULES

PART 1130 HEALTH FACILITIES AND SERVICES REVIEW OPERATIONAL RULES

SECTION 1130.920 NOTICE OF REVIEW AND OPPORTUNITY FOR PUBLIC HEARING AND COMMENT ON APPLICATIONS FOR PERMIT

Section 1130.920 Notice of Review and Opportunity for Public Hearing and Comment on Applications for Permit

- a) **Notice of Review and Opportunity for Public Hearing and Comment**
After an application for permit has been received and has been deemed complete or after certain types of modification have been made to a complete application (pursuant to the provisions of this Part), HFSRB shall afford an opportunity for public hearing and written comments on the project by preparing and publishing a Notice of Review and Opportunity for Public Hearing and Comment (Notice). This Notice shall consist of at least the following elements:
 - 1) Identification of the proposed project, including the project cost and a brief description of the project and the tentative date that the application is scheduled for HFSRB review;
 - 2) Identification, including the mailing address and telephone number, of the agency that is responsible for the public hearing;
 - 3) Information regarding where a copy of the application may be viewed by the public and how copies of the application may be obtained;
 - 4) A statement that any person has the right to request a public hearing and to submit written comments on the proposed project;
 - 5) The date (which shall be at least 15 days from the date of publication of the Notice) by which a written request for a public hearing shall be received by HFSRB; and
 - 6) All public comment regarding an application shall be received by HFSRB staff no later than 20 days prior to tentatively scheduled consideration of the application by HFSRB. If that date of consideration is extended, then the public comment period will also be extended. If subsequent to HFSRB consideration of an application, a final decision is not made (application is deferred or is issued an Intent to Deny, or is denied), then the public

comment period shall be extended to the 20 days prior to the next consideration.

HFSRB NOTE: The provisions of this subsection (a) do not apply to written comments that are submitted pursuant to the time frames established by a hearing officer as part of a public hearing concerning an application for permit.

- b) The Notice of Review and Opportunity for Public Hearing and Comment shall be forwarded promptly to the applicant by certified mail and shall be published in a newspaper of general circulation in the area or community where the project is to occur.
- c) Notice to all other persons, including health care facilities and members of the general public, shall be deemed to have been given by publication of the notice in a newspaper in the area or community where the project is to occur.

(Source: Amended at 37 Ill. Reg. 6227, effective June 1, 2013)