



STATE OF ILLINOIS HEALTH FACILITIES AND SERVICES REVIEW BOARD

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

DOCKET ITEM: A-01	BOARD MEETING: December 14, 2021	PROJECT NUMBER: 18-002
PERMIT HOLDERS(S): Retina Surgery Center, LLC		
FACILITY NAME and LOCATION: Retina Surgery Center, Niles		

STATE BOARD STAFF REPORT **PERMIT RENEWAL REQUEST**

I. Background

On June 4, 2019, the State Board approved Project #18-002. The permit authorized the establishment of a limited-specialty Ambulatory Surgery Treatment Center, in Niles. The State Agency notes the project is obligated, and the current project completion date is October 31, 2021. Project cost: \$2,748,386.

State Board Staff notes the permit holders submitted the permit renewal request on October 26, 2021. This submittal was not in accordance with 77 IAC 1130.740(d), which states that the State Board must receive renewal requests at least 45 days prior to the permit expiration date. A \$500.00 permit renewal fee, and a \$500.00 late fee, accompanied the renewal request.

II. Findings

State Board Staff notes this is the third renewal request for this project and the permit holders have submitted all of the information required in Section 1130.740 for a permit renewal. Board staff notes the permit holders also sought two modifications to the application:

- 1) May 14, 2018: Type A modification to increase project costs \$885,420 (39%), from \$2,247,076, to \$3,132,496.
- 2) August 2, 2018: Type B modification to decrease project costs \$384,110 (12%), from \$3,132,496, to \$2,748,386.
- 3) May 21, 2020: 12-Month Permit Renewal from July 30, 2020 to July 30, 2021
- 4) June 17, 2021: 3-Month Permit Renewal from July 30, 2021 to October 31, 2021

III. The Permit Renewal Request

- A. Requested Completion Date: The permit holders request a project completion date of February 1, 2022. This would extend the project's completion date three months, from October 31, 2021 to February 1, 2022.
- B. Status of the Project and Components Yet to be Finished: The permit holders state the project is proceeding with due diligence. The building permit holders received notification from IDPH Life Safety and Construction division that their application for licensure has been approved. The permit holders note the following components remain:
- IDPH on-site nursing survey/certification and licensure
- C. Reason(s) Why the Project Has Not Been Completed: The permit holders' state delays in the dispatch of IDPH inspection teams, specifically the nursing survey, account for this third request. The permit holder acknowledges this team is backlogged with survey requests, and appreciates their efforts to perform said inspections for a timely project completion.
- D. Evidence of Financial Commitment to Fund the Project: The permit holders indicate that \$2,475,000 (90% of the overall project costs) have been expended to date, and the permit holders can attest to the existence of sufficient financial resources to complete the project.
- E. Anticipated Final Cost of the Project: The permit holders estimate the project will not deviate from the altered permit amount of \$2,748,386.

IV. Project Description & Other Background Information

The permit authorized the establishment of a limited specialty ASTC in Niles. Project cost: \$2,748,386.

Permit Issuance Date: June 4, 2019

Project Obligation Date: July 4, 2020

Original Project Completion Date: July 30, 2020

1st Application Modification: May 14, 2018
Type A Modification

2nd Application Modification: August 2, 2018
Type B Modification

Proposed Project Completion Date: July 31, 2021
(12-month renewal, 1st request)

Proposed Project Completion Date: October 31, 2021
(3-month renewal, 2nd request)

Proposed Project Completion Date: February 1, 2022
(3-month renewal, 3rd request)

V. Applicable Rules for Permit Renewal Requests

77 IAC 1130.740 specifies that a permit holder may request a change in the approved project completion date by applying for a permit renewal.

77 IAC 1130.230(h)(5) states that failure to complete a project or to renew a permit within the prescribed timeframes will subject the permit holders to the sanctions and penalties provided in the Act and this Subpart.

77 IAC 1130.740(b) states that a permit renewal will commence on the expiration date of the original or renewed completion period.

77 IAC 1130.740(c) states that the State Board must be in receipt of a permit renewal request at least 45 days prior to the expiration date of the completion period, and include the following: 1) the requested completion date; 2) a status report on the project detailing what percent has been completed and a summary of project components yet to be finished and the amount of funds expended on the project to date; 3) a statement as to the reasons why the project has not been completed; and 4) confirmatory evidence by the permit holders' authorized representative that the project's costs and scope are in compliance with what the State Board approved and that sufficient financial resources are available to complete the project.

77 IAC 1130.740(d) states the State Board staff will review the request and prepare a report of its findings. If the findings are that the request is in conformance with all HFSRB criteria, and if this is the first request for this project, then the request, staff's findings, and all related documentation shall be sent to the Chairman. The Chairman, acting on behalf of HFSRB, will approve, deny or refer the request to the HFSRB for action. If staff finds that all criteria are not positive or, if this is not the first request for this project, or if the Chairman refers this to HFSRB for action, then HFSRB will evaluate the information submitted to determine if the project has proceeded with due diligence (as defined in 77 IAC 1130.140). Denial of a permit renewal request constitutes HFSRB's Notice of Intent to revoke a permit and the permit holders will be afforded an opportunity for an administrative hearing.

VI. Other Information

Appended to this report are the following: the permit holders' documents for a permit renewal.

Retina Surgery Center, LLC

October 26, 2021

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

Re: Permit Renewal
Project Number: #18-002
Facility Name: Retina Surgery Center
Facility Address: 8780 W. Golf Road, Suite 102, Niles, Illinois
Permit Holder: Retina Surgery Center, LLC
Permit Amount: \$2,748,386

Dr. Ms. Avery:

I am writing to request an extension of the project completion date for Project No. 18-002. The permit for this Project was granted June 4, 2019. The Project is for the establishment of a limited specialty ambulatory surgical center. The permit provided for a project completion date of July 30, 2020. On May 21, 2020, the Illinois Health Facilities and Services Review Board ("HFSRB") approved the permit renewal to July 31, 2021. On September 14, 2021, the HFSRB approved a second permit renewal to October 31, 2021.

The Permit Holder now requests an extension of the Project Permit, with an anticipated completion date of February 1, 2022.

1. Requested Project Completion Date

The Permit Holder requests the Board grant a three-month (92 day) renewal of the Project Permit to establish February 1, 2022 as the new project completion date.

2. Status of the Project

The initial ambulatory surgical treatment center licensure application was submitted to IDPH on October 7, 2021, when the IDPH Life Safety approval was received by the Health Care Facilities and Programs division. On October 26, 2021, Retina Surgery Center received notice from the Health Care Facilities and Programs division that their initial review of the application has been completed (see attachment). Retina Surgery Center is now sending the requested letter notifying the IDPH of readiness for the on-site nursing survey. Completion of this survey is last step prior to licensure of the facility and project completion.

3. Statement Regarding Completion of the Project

In keeping with the Statement on Status above, the Project will not be completed by October 31, 2021. The facility is simply waiting on IDPH inspection teams to complete their on-site nursing

inspection and provide the facility with licensure. We understand IDPH is backlogged on surveys and we do not know the exact date this process will be completed.

The Permit Holder is requesting an extension to February 1, 2022 to accommodate the uncertainty in final completion date for the IDPH inspection and licensure process.

4. Confirmatory Evidence of Project Compliance

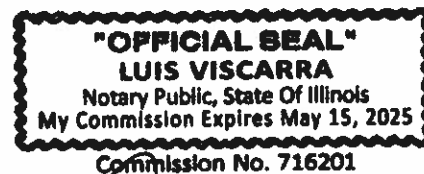
Attached is a signed letter from Dr. John Michael, an authorized representative of the Permit Holder, confirming that the Permit Holder is complying with the scope and costs of the project approved by the Board and that sufficient financial resources are available pursuant to Project Permit #18-002. We have also included the required filing fee of \$500.00 and late fee of \$500.00 for a total of \$1,000.00 made out to the Illinois Department of Public Health.


Based on the above information, which is provided to the Board in keeping with Section 1130.740 of the Illinois Administrative Code, the Permit Holder formally requests a three-month (92-day) renewal of its permit for Project #18-002 and a new project completion date of February 1, 2022.

If you need any additional information or have any questions regarding the status of the project, please feel free to contact me.

Sincerely,


John Michael, MD
Retina Surgery Center, LLC



 10/27/2021

October 26, 2021

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

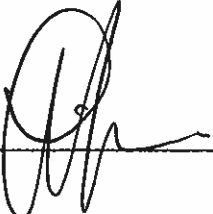
Re: Attestation of Authorized Representative

On behalf of certificate of need permit holder Retina Surgery Center, LLC ("CON Permit Holder"), I acting as the Permit Holder's authorized representative, hereby attest that the project to establish an ambulatory surgical center, approved by the Illinois Health Facilities and Services Review Board ("State Board") on June 4, 2019, remains on budget and will not exceed the stated costs reported to the State Board. I further attest that sufficient financial resources remain available to complete the project. Please contact myself at johncmichael@aol.com with any questions regarding this filing.

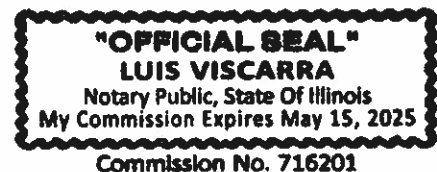
Sincerely,


John Michael, MD
Retina Surgery Center, LLC

Notarization: Subscribed and sworn to before me this 27 day of Oct, 2021.



Signature of Notary SEAL



IDPH Licensure Letter



525-535 West Jefferson Street • Springfield, Illinois 62761-0001 • www.dph.illinois.gov

October 26, 2021

Administrator
8780 West Golf Road, Suite 102
Niles, IL 60714

Administrator:

The review process for the initial ambulatory surgical treatment center (ASTC) licensure application has been completed. The application appears to be in substantial compliance with the Ambulatory Surgical Treatment Center Act [210 ILCS 5] and Ambulatory Surgical Treatment Center Licensing Requirements (Title 77 Illinois Administrative Code 205). The Department has received the letter dated October 7, 2021 from the Illinois Department of Public Health Design and Construction Section stating the physical structure has met the requirements of the Code and NFPA 101 Life Safety Code, 2012 Edition.

Please send a letter notifying us of your readiness for the on-site nursing survey meaning the ASTC is in **substantial compliance with all applicable rules**. The letter should identify the agency name, provide hours of operation, and a contact person's name and phone number.

An inspection will be scheduled with your facility and a health facilities surveillance nurse (nurse surveyor) will come to the facility and conduct the on-site inspection. **The administrator or designee must be present to answer any questions the nurse surveyor may have.** The information contained in Ambulatory Surgical Treatment Center Act [210 ILCS 5] and Ambulatory Surgical Treatment Center Licensing Requirements (Title 77 Illinois Administrative Code 205) is the standard that the nurse surveyor uses to inspect the ASTC. **There are no surprises.** Each item that the nurse surveyor reviews is described in detail in the Title 77 Illinois Administrative Code 205 Ambulatory Surgical Treatment Center Licensing Requirements.

If you have any questions, please contact staff at the Illinois Department of Public Health at 217-782-0582. The Department's TTY number is 800/546-0466, for use by the hearing impaired.

Sincerely,

Stephanie M. Glenn, RPh

Stephanie M. Glenn, RPh
Assistant Division Chief
Health Care Facilities and Programs