



# STATE OF ILLINOIS HEALTH FACILITIES AND SERVICES REVIEW BOARD

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

<b>DOCKET ITEM:</b> A-03	<b>BOARD MEETING:</b> March 15, 2022	<b>PROJECT NUMBER:</b> 18-002
<b>PERMIT HOLDERS(S):</b> Retina Surgery Center, LLC		
<b>FACILITY NAME and LOCATION:</b> 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 February 1, 2022. Project cost: \$2,748,386.

State Board Staff notes the permit holders submitted a permit renewal request on January 27, 2022. This submittal was not in accordance with 77 IAC 1130.740(c), 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 fourth 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
- 5) December 14, 2021: 3-Month Permit Renewal from October 31, 2021 to February 1, 2022

### III. The Permit Renewal Request

- A. Requested Completion Date: The permit holders request a project completion date of May 2, 2022. This would extend the project's completion date three months, from February 1, 2022 to May 2, 2022.
- B. Status of the Project and Components Yet to be Finished: The permit holders state the project is proceeding with due diligence. The permit holders received notification from IDPH Life Safety and Construction division that their application for licensure has been approved, and they are completing plans of correction stemming from the Nursing survey, which is the last component before 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 fourth and final request. The permit holder acknowledges this request will provide ample time to complete the finalized project cost report.
- D. Evidence of Financial Commitment to Fund the Project: The permit holders indicate that \$2,694,172 (98% 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
1 <sup>st</sup> Application Modification: Type A Modification	May 14, 2018
2 <sup>nd</sup> Application Modification: Type B Modification	August 2, 2018
Proposed Project Completion Date: (12-month renewal, 1st request)	July 31, 2021

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

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

Proposed Project Completion Date: May 2, 2022  
(3-month renewal, 4<sup>th</sup> 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

January 27, 2022

Illinois Department of Public Health  
Health Facilities and Services Review Board  
525 West Jefferson Street, 2<sup>nd</sup> 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

HFSRB Administrator:

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. On December 14, 2021, the HFSRB approved a third permit renewal to February 1, 2021.

The Permit Holder now requests an extension of the Project Permit, with an anticipated completion date of May 2, 2022.

## **1. Requested Project Completion Date**

The Permit Holder requests the Board grant a three-month (90 day) renewal of the Project Permit to establish May 2, 2022 as the new project completion date.

## **2. Status of the Project**

Retina Surgery Center has had its licensing inspection and is in the process of completing plan of correction responses to the survey that are due to IDPH on February 4, 2022. Completion of this plan of correction and final survey to verify compliance is last step to obtaining 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 February 1, 2021. The IDPH inspection team was delayed beyond expectations in being able to conduct the licensure survey.

The Permit Holder is requesting an extension to May 2, 2022 to accommodate the current timeline for survey completion that extends slightly beyond our current completion deadline.

We are requesting a May 2, 2022 deadline to provide ample time for completing and submitting the final realized cost report.

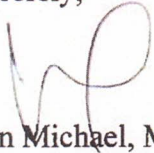
**4. Confirmatory Evidence of Project Compliance**

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 (90-day) renewal of its permit for Project #18-002 and a new project completion date of May 2, 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

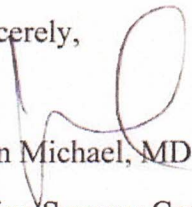
January 27, 2022

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 31st day of January, 2022.

 Signature of Notary SEAL

