



STATE OF ILLINOIS
HEALTH FACILITIES AND SERVICES REVIEW BOARD

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

DOCKET NO: C-07	BOARD MEETING: June 4, 2019	PERMIT NO: 18-028
FACILITY NAME: Village at Mercy Creek		CITY: Normal
PERMIT HOLDERS: The Village at Mercy Creek, Franciscan Sisters of Chicago Service Corporation		
TYPE OF PROJECT: Relinquishment of a Permit		

RELINQUISHMENT OF A PERMIT
Village at Mercy Creek
Permit #18-028

I. Background

In December of 2018 the State Board approved a 40-bed long term care facility (Village at Mercy Creek) in Normal, Illinois as Permit #18-028 at a cost of approximately \$19.2 million. As part of that approval, the Meadows Mennonite Retirement Community in Chenoa committed to relinquish 40 of its skilled nursing care beds (decreasing from a 130-bed LTC facility to a 90-bed LTC facility) resulting in no new LTC beds added to the McClean County Long Term Planning Area.

Subsequently, after the approval of Permit #18-028 the State Board was informed by the Permit Holders that the Meadows Mennonite Retirement Community would no longer relinquish the 40-beds at the Chenoa facility contradicting the information the State Board had relied upon when approving Permit #18-028. This change was considered a change of a material representation made by the Permit Holders in an application for permit after receipt of a permit that is relied upon by the State Board in making its decision.

77 ILAC 1130.140 - Substantially Changes the Scope or Changes the Functional Operation of the Facility means:

- *the discontinuation of a health care facility or category of service as defined in this Part;*
- *a change of a material representation made by the applicant in an application for permit or exemption after receipt of a permit that is relied upon by HFSRB in making its decision. Material representations are those that provide a factual basis for issuance of a permit or exemption and include:*
 - *withdrawal or non-participation in the Medicare and/or Medicaid programs;*
 - *charge information;*
 - *requirements of variances pursuant to 77 Ill. Adm. Code 1110;*
 - *other representations made to HFSRB as stipulated or agreed upon in the public record and specified in the application or the permit or exemption approval letter;*

This change in scope did not meet the requirements of an alteration to permit.

c) *Prohibited Alterations*

Notwithstanding the provisions of subsection (b), the following alterations are not allowed and, if incurred, invalidate the permit:

- 1) *an increase in the total project cost that exceeds 7% of the permit amount;*
- 2) *an increase in the project's gross square footage that exceeds 5% of the project's approved gross square footage, unless that increase is required*

or mandated by local, State or federal building or life safety requirements that were not in effect at the time of permit issuance;

- 3) *any other change in the project's scope or funding that would independently require a CON permit or exemption*

The Permit Holders were instructed to file a new application (Project #19-016). This new application was filed on March 27, 2019 and was scheduled for the April 30, 2019 State Board Meeting.

Project #19-016 was approved at the April 30, 2019 State Board Meeting to establish a 40-bed LTC facility in Normal, Illinois at a cost of approximately \$19.2 million. At the April 30, 2019 Board Meeting the Permit Holders committed to relinquish Permit #18-028. On May 8, 2019 the State Board received the request to relinquish Permit #18-028.

II. Section 1130.775 - Relinquishment of a Permit

The relinquishment of permit #18-028 requires approval of the State Board. All the information required by the State Board has been provided.

A permit holder may request to withdraw its permit. The request requires an application to and approval by HFSRB for relinquishment. Upon approval of relinquishment by HFSRB, the permit is considered null and void. Requests for relinquishment shall be considered only for permits that are current and valid. Requests shall be filed with HFSRB prior to the completion date of the permit. HFSRB will not process a request for relinquishment until it receives the application-processing fee.

- a) *Relinquishment Procedure*
The permit holder shall notify HFSRB in writing, prior to the abandonment or withdrawal of a project. The notice shall include:
 - 1) *A description of the permit and related costs;*
 - 2) *A detailed explanation of the reasons for abandonment; and*
 - 3) *If the approval of the permit or exemption was based upon need, an explanation of how that need will be met in absence of the project.*
- b) *HFSRB staff shall review the request for withdrawal and prepare a report of its findings. HFSRB staff findings and all related documentation shall be sent to the Chairman. The Chairman, acting on behalf of HFSRB, shall approve the request or refer it to the full Board for action. The approval or denial of a request for relinquishment constitutes HFSRB's final administrative decision.*
- c) *Upon approval of a request for relinquishment, HFSRB staff shall adjust all inventories accordingly.*

- d) *Decisions on requests for relinquishment shall be transmitted in writing to the permit holder.*
- e) *Any relinquishment undertaken without prior HFSRB approval shall be considered a violation of the Act and shall be subject to the sanctions and penalties in the Act (see 20 ILCS 3960/14.1) and Section 1130.790.*

All information required by the State Board has been submitted.

**STATE BOARD STAFF FINDS THE RELINQUISHMENT OF PERMIT #18-028
IN CONFORMANCE WITH THE REQUIREMENTS OF 77 ILAC 1130.775**



THE VILLAGE AT MERCY CREEK

FRANCISCAN COMMUNITIES

Franciscan Ministries sponsored by the Franciscan Sisters of Chicago

RECEIVED

MAY 8 2019

**HEALTH FACILITIES &
SERVICES REVIEW BOARD**

May 2, 2019

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

**RE: Permit # 18-028
The Village at Mercy Creek, Normal
Request for Relinquishment of Permit**

Dear Ms. Avery:

On December 4, 2018, the HFSRB approved the application for permit for The Village at Mercy Creek project. Subsequent to receipt of said permit, the Permit Holder had to reapply to the HFSRB and was approved on April 28, 2019 for Permit #19-016 for essentially the same project.

Pursuant to the Administrative Code, Title 77: Public Health, Chapter 11: Health Facilities and Services Review Board, Subchapter b: Other Board Rules, Part 1130 Health Facilities and Services Review Operational Rules, Section 1130.230 Fees, we are **relinquishing our Permit #18-028** for this project.

Enclosed please find a check in the required amount of \$1,000 provided as a processing fee.

Should you have any questions, please do not hesitate to contact me directly at 708-821-3326.

Sincerely,

Judy Amiano
President & CEO

Enclosure



18-028 Village at Mercy Creek - Normal

