

From: [Ourth, Joe](#)
To: [Kowalenko, Henry](#); [Constantino, Mike](#); [Avery, Courtney](#); ["Jeannie D. Mitchell \(jeannie.mitchell@illinois.gov\)"](#); [Roate, George](#); [Guild, Ann](#); ["Jeffrey Mark"](#); [Senger, Karen](#); [Ourth, Joe](#)
Subject: [External] RE: MIRA Technical Assistance Call - Project 19-014
Date: Thursday, July 25, 2019 4:47:04 PM
Attachments: [image001.png](#)

Henry,

Thank you for your comment. We don't disagree with your point about compliance with healthcare occupancy. In point 4 I had intended the term "non-reviewable" to be in the context of "non-reviewable" for CON purposes. I can revise that language to better clarify. I will see if others have comments tomorrow and will send a revised summary that has any other comments for the groups consideration.

Thanks for your quick response.

**SAUL EWING
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From: Kowalenko, Henry [mailto:Henry.Kowalenko@Illinois.gov]
Sent: Thursday, July 25, 2019 4:28 PM
To: Ourth, Joe; Constantino, Mike; Avery, Courtney; 'Jeannie D. Mitchell (jeannie.mitchell@illinois.gov)'; Roate, George; Guild, Ann; 'Jeffrey Mark'; Senger, Karen
Subject: RE: MIRA Technical Assistance Call - Project 19-014

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I have a concern with the language of item #4.

The leased spaces are located in the hospital building. The building is classified as a healthcare building with mixed use occupancy. As such, the Department has jurisdiction to review and inspect the areas for compliance under rules of whatever occupancy they are (business, mercantile, retail, etc.) with the exception of shared building systems (sprinklers, fire alarm, construction type, etc.). These systems in leased spaces must comply with rules of healthcare occupancy. The Department would be required to review the installation and/or modifications to these system to assure compliance with healthcare standards.

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To: Constantino, Mike <Mike.Constantino@Illinois.gov>; Avery, Courtney <Courtney.Avery@Illinois.gov>; 'Jeannie D. Mitchell (jeannie.mitchell@illinois.gov)' <jeannie.mitchell@illinois.gov>; Roate, George <George.Roate@Illinois.gov>; Guild, Ann <Ann.Guild@illinois.gov>; Kowalenko, Henry <Henry.Kowalenko@Illinois.gov>; 'Jeffrey Mark' <jmark@jsma.com>; Senger, Karen <Karen.Senger@Illinois.gov>; Ourth, Joe <joe.ourth@saul.com>
Subject: [External] MIRA Technical Assistance Call - Project 19-014

All,

This text below is intended to serve as an initial draft summarizing a technical assistance meeting in connection with Project No. 19-014. I had agreed to prepare an initial draft and circulate the draft among participants for consensus so that the meeting could be properly documented. Please send any comments to the entire group and I will follow up with IHFSRB to finalize the summary.

On July 15, 2019 representatives of MIRA Neuro Behavioral Health Center for Children and Adolescents (“MNBHC”), the Illinois Health Facilities and Services Review Board (“IHFSRB”), and the Illinois Department of Public Health (“IDPH”) held a technical assistance conference call to discuss Project No. 19-014. The participants on the call are all listed as addressees in this email.

Summary of Facts

MNBHC proposes to establish a 30-bed children and adolescents behavioral health hospital in Tinley Park. The hospital would be located in an existing building that is currently used by a not-for-profit agency for providing services to the developmentally disabled. That agency is selling this building so that it can use the proceeds to focus on more community based programs. The building would be purchased by MIRA Health Care Properties, Inc. (MIRA Properties). MIRA Properties would then lease a portion of the building to MNBHC for operation as a child and adolescent behavioral health hospital. Another part of the building would be leased to a different entity to provide day treatment services and the remainder of the building would be leased to a third entity for physician and clinical psychologist office space.

Issue

The issue discussed was whether the cost and square footage of the entire building should be included in the CON application or whether the CON application should include only the portion leased by the hospital and used for hospital purposes. As part of the meeting drawings of the first and second floor of the building were reviewed and those drawing are attached. The technical assistance advice is summarized below:

1. IDPH considers the whole building as being subject to IDPH review and that it "licenses" the entire building. IDPH and MIRA agreed that the building was subject to IDPH review and also agreed that parts of the building not used for clinical purposes could be subject to "business occupancy" standards and not hospital code standards where the different sections were there was appropriate separation between these uses.
2. IHFSRB staff has concluded that the entire building square footage and the costs of the buildout should be reflected in the CON application, including space that will be leased to other entities and that are not part of hospital services.
3. MNBHC agreed to modify its application to include the entire square footage and costs.
4. The space leased by the entities other than the hospital can appropriately be considered as non-reviewable space.
5. The cost of the build will be included in the CON application, with the understand that the actual cost of the buildout will be paid by the tenant rather than the hospital entity. The amount of this buildout will be included in the project costs, and the source of funds will reflect a corresponding amount attributable from the other tenants for these costs.

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"Saul Ewing Arnstein & Lehr LLP (saul.com)" has made the following annotations:

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