

From: [Kara Friedman](#)
To: [Constantino, Mike](#)
Cc: [Collin Anderson \(Polsinelli Solutions\)](#)
Subject: [External] RE: Project Completion Notice- 19-053
Date: Wednesday, April 15, 2020 2:28:38 PM

Mike,

I am responding to Mark Mayo's comments regarding the 25 E. Same Day Surgery Center. As a preliminary matter, the basis of Mayo's interest in the Surgery Center is very unclear and to our knowledge, he did not attempt to contact the Surgery Center.

On December 26, 2018, the Surgery Center notified the HFSRB of its suspension of operations effective 1/1/2019. The Surgery Center hoped such suspension would be temporary. We communicated with HFSRB staff on an ongoing basis to remain in touch regarding the status of the Surgery Center as required by Sec. 1130.240(d) of your rules. We were also periodically in contact with IDPH. Surgery Center leadership hoped they would be able to reorganize the ownership structure and/or recruit of additional physician to perform cases at the Surgery Center so that it would not operate with continued marginal performance. While it was working with a broker to find interested parties, when IDPH advised that its license would not be renewed while idled, the Surgery Center filed an application for permit to permanently close the Surgery Center.

Mayo stated in his letter that the Surgery Center should provide a copy of the written notice to HFSRB and/or IDPH in its application for discontinuation of the Surgery Center. Nowhere in either the HFSRB's rules regarding temporary discontinuation or the discontinuation review criteria is a provider required to include a notice of temporary discontinuation in its application. That said, these materials are, of course, in the possession of the HFSRB.

Mayo asserted the Surgery Center failed to disclose a Medicare revocation in its adverse action certification. To be clear, Medicare did not revoke the Surgery Center's Medicare certification, but rather the ASC ceased submitting claims to Medicare resulting in the deactivation of its provider number. As Mayo surely knows, such deactivation is a mechanical process which has nothing to do with the Surgery Center's quality or physical plant or other eligibility to participate in the Medicare program in the future if it were to re-initiate operations. Importantly, this change does not constitute an adverse action. Furthermore, the State, based on communications with Karen Senger, was well aware of the Surgery Center's Medicare enrollment status. With regard to the filing of the annual ASTC Questionnaire, the Surgery Center is in good standing with its IDPH filings.

Contrary to Mayo's contentions, the Surgery Center had been in frequent contact with HFSRB staff and IDPH regarding the Surgery Center's ability to resume operations. As previously noted, when it became apparent the Surgery Center's license would not be renewed by IDPH after discussions with Karen, the Surgery Center took the step of filing an application for discontinuation. Our client would have liked to have seen its business continue to be viable but unfortunately, it was not.

I hope this helps.

Thanks,

Kara

From: Constantino, Mike [mailto:Mike.Constantino@Illinois.gov]
Sent: Friday, April 10, 2020 6:52 AM
To: Kara Friedman
Cc: Collin Anderson (Polsinelli Solutions); Weaver, Cathy
Subject: RE: Project Completion Notice- 19-053

EXTERNAL EMAIL mike.constantino@illinois.gov

Kara we do need responses to Mayo questions.

From: Kara Friedman <KFriedman@Polsinelli.com>
Sent: Thursday, April 9, 2020 4:42 PM
To: Constantino, Mike <Mike.Constantino@Illinois.gov>
Cc: Collin Anderson (Polsinelli Solutions) <cmmanderson@polsinellisolutions.com>; Weaver, Cathy <caweaver@uspi.com>
Subject: [External] Project Completion Notice- 19-053

Hi Mike,

Hope you are holding up okay.

Please see attached. Do you need a FedEx version or will this do?

Thanks,
Kara

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