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**DONALD P. DEWITTE**  
STATE SENATOR - 33RD DISTRICT  
ASSISTANT MINORITY LEADER

**RECEIVED**

APR 12 2021

HEALTH FACILITIES &  
SERVICES REVIEW BOARD

April 9, 2021

Ms. Debra Savage, Chair  
c/o Courtney Avery, Administrator  
Health Facilities and Services Review Board  
525 West Jefferson Street, 2<sup>nd</sup> Floor  
Springfield, Illinois 62761  
[courtney.avery@illinois.gov](mailto:courtney.avery@illinois.gov)

Re: Opposition to Project #20-040  
OrthoIllinois Surgery Center, Elgin

Dear Madam Chair:

I join my Senate colleague Cristina Castro in having serious reservations about this proposed new surgery center, for precisely the same reasons she has articulated, and respectfully oppose Project #20-040.

**Absence of need:** The constituents we both represent presently have access to more than enough orthopedic surgery capacity. The most recently available data, from 2019, show that all but one area facility was operating below the State's identified target utilization level of 1500 hours per Operating Room, and it is all but certain that 2020 data will show all facilities significantly below that level due to the impact on elective surgeries of the COVID pandemic. The Health Facilities and Services Review Board, in its discretion, expertise and authority, selected this target level "as a measure of service capability and efficient operation, occupancy or utilization" and has a stated as a matter of policy that "[f]acilities and services should operate at or above the prescribed utilization targets." (77 Ill. Adm. Code 1100.370). That administrative policy certainly advances the legislative intent of the Health Facilities Planning Act.

**Adverse impact:** Our constituents also rely upon these existing facilities for Safety Net services that can only remain viable through cross-subsidization from higher-margin services like orthopedic surgery. The continued support of Safety Net services is a central tenet of the Planning Act. (20 ILCS 3960/2).

**My interest:** My district includes six existing and approved facilities that would be adversely impacted by this proposed new surgery center. They include:

- Advocate Sherman Hospital
- Advocate Sherman Ambulatory Surgery Center (approved, not yet operational)
- Northwestern Medicine Huntley Hospital
- AMITA Health Saint Joseph Hospital Elgin
- Algonquin Road Surgery Center
- Valley Ambulatory Surgery Center

**Unnecessary duplication:** The Planning Act is intended to promote “the orderly and economic development of health care facilities in the State of Illinois that avoids unnecessary duplication of such facilities.” (20 ILCS 3960/2). The clearest indicator that this project unnecessarily duplicates services is that *all* of its patient volume is coming out of existing, nearby facilities. Indeed, the project is to be located across the street from the campus of Sherman Hospital, which has its own outpatient surgery services on campus and a recently-approved, not-for-profit surgery center in development with three Operating Rooms on campus.

**Worst possible time:** Especially during a pandemic that has imposed substantial financial strain upon the existing health care delivery system, this is a particularly bad time to authorize unneeded capacity that can only further challenge our hospitals and existing health care provider network.

**Concerns over applicant:** Like Senator Castro, I am puzzled that the sole applicant for this project is a newly created shell company with no operating history, assets, or financial commitments, while the project’s assets and financial wherewithal all appear connected to a Rockford-based company that is not a party to the proceedings before the Review Board. I leave this matter to the discretion and authority of the Review Board in advancing the legislative mandate to determine that “the applicant is fit, willing, and able to provide a proper standard of health care service for the community with particular regard to the qualification, background and character of the applicant[.]” (20 ILCS 3960/6(d)(1)).

Thank you for taking my opposition into account, for the reasons expressed here, as you review this CON application.

Respectfully,



Donald P. DeWitte  
Illinois State Senator  
33<sup>rd</sup> District