



April 12, 2021

Debra Savage, Chair
c/o Courtney Avery, Administrator
Health Facilities and Services Review Board
525 West Jefferson Street, 2nd Floor
Springfield, Illinois 62761
courtney.avery@illinois.gov

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APR 18 2021

HEALTH FACILITIES &
SERVICES REVIEW BOARD

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

Dear Madam Chair:

I write in strong opposition to this CON application on behalf of the Illinois Hispanic Chamber of Commerce (IHCC), the largest community of Hispanic business owners across Illinois and the Midwest. Our organization has a strong stake in the City of Elgin's future, given that its population is more than 44 percent Latino.

Project #20-040 is bad for the Elgin business community, not only because it adversely impacts three hospitals that are among the largest employers in the region, but also because it threatens the health care infrastructure upon which the greater Elgin area business community depends. Project #20-040 is also detrimental to Latino community because it constitutes a direct assault upon the Safety Net provider network that now serves that vitally important population.

As an organization dedicated to business principles, we join Senators Castro and DeWitte in questioning why the real party in interest is not part of this CON application. How is it possible that the entity providing all the financing and clearly controlling the Project is a total stranger to this proceeding, and a newly-created shell company with no assets or history is held out as the sole applicant? Whatever is going on here, the applicable regulations provide that "any related person who is or will be financially responsible for guaranteeing or making payments on any debt related to the project" should be formally named as an applicant. (77 Ill. Admin. Code 1130.220(a)(3)).

Beyond that important procedural requirement, Project #20-040 does not meet any of the five criteria to justify the establishment of a new surgery center in Elgin. As specified in 77 Ill. Adm. Code 1110.235(c)(6), those criteria are:

1. **No other surgery centers in the area.** There are four approved surgery centers in the designated service area that provide orthopedic surgery services.



2. Existing surgery center and hospital outpatient surgery services are at or above State utilization standards. All the existing surgery centers and two of the three area hospitals were below target utilization levels in 2019, and all these facilities will certainly be below state utilization standards for 2020 due to suspension of elective surgeries during the pandemic.
3. New services not currently available in the area. All of the proposed surgical services are being performed by the area surgery centers and hospitals.
4. Existing facilities have restrictive admission policies. None of the existing facilities have restrictive admission policies.
5. Cooperative venture sponsored by an existing area hospital. This Project is not sponsored by any area hospitals, and in fact represents a threat to the Safety Net services they now provide.

We sincerely hope that the Review Board will require the real party in interest to step forward as a named applicant, and that this CON application be ultimately denied. Thank you for your consideration of our views.

Respectfully yours,

A handwritten signature in blue ink that reads 'Jaime di Paulo'. The signature is fluid and cursive, with the first name 'Jaime' being larger and more prominent than the last name 'di Paulo'.

Jaime di Paulo
President & CEO
Illinois Hispanic Chamber of Commerce