



STATE OF ILLINOIS
HEALTH FACILITIES AND SERVICES REVIEW BOARD

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

TRANSFERRED ELECTRONICALLY

May 6, 2021

Juan Morado Jr. and Mark J. Silberman, Attorneys
Benesch, Friedlander, Coplan, & Arnoff LLP
71 South Wacker Drive, 16th Floor
Chicago, IL 60606

RE: **NOTICE OF INTENT TO DENY**

Project: #20-040 OrthoIllinois Surgery Center, Elgin

Applicant: OrthoIllinois Surgery Center Elgin, LLC

Rockford Orthopedic Associates, Ltd. d/b/a OrthoIllinois

Dear Mr. Morado, Mr. Silberman:

On May 4, 2021, the Illinois Health Facilities and Services Review Board issued an Intent-to-Deny for the above referenced application for permit. Section 1130 of the Illinois Health Facilities Planning Act provides you an opportunity for a hearing before the State Board to appeal this decision. If it is your decision to appeal the State Board's action you must adhere to the requirements of 77 IAC 1130.670 (b), (c), and (d), effective September 1, 2006, as follows:

- b) The applicant shall notify HFSRB in writing and within 14 calendar days after issuance of the Notice of Intent-to-Deny, whether it intends to: 1) appear before the State Board; and/or 2) submit supplemental information. It is the responsibility of the applicant to assure that the HFSRB is in receipt of the response within the 14-day prescribed time frame.
- c) 1 If the applicant waives the right to appear before HFSRB or if a written response is not received within 14 calendar days after issuance of an Intent to Deny, then the application shall be considered withdrawn.
- c) 2 If the applicant indicates that no supplemental information will be submitted, the HFSRB shall act on the application at its next meeting.
- c) 3 If the applicant indicates that additional documentation shall be submitted, the applicant shall be afforded a period of 60 days from the issuance of the Notice of Intent-to-Deny to submit the material. Upon receipt of the supplemental information, HFSRB staff shall commence a review and submit it findings to HFSRB in accordance with the provisions of this Subpart.

HFSRB shall be allowed up to 60 days following the receipt of all material to review the material and issue a supplemental report.

- c) 4 Written comments submitted to HFSRB from persons other than the applicant regarding a proposed project that has received an Intent to Deny are ex parte and prohibited and shall not be considered. This provision does not apply to public hearing testimony or comments that are received pursuant to a provision in Subpart I (Public Hearing and Comment Procedures) or to comments or testimony submitted in response to requests by HFSRB for information to assist in consideration of the application after the Intent to Deny.

- d) A project that has received a Notice of Intent-to-Deny and has been scheduled for HFSRB consideration can be deferred by the applicant. A notice of deferral may be provided in writing prior to the scheduled HFSRB meeting or be provided verbally at the HFSRB meeting. An applicant may not defer HFSRB consideration beyond an HFSRB meeting date that is more than six months from the date the applicant received an Intent-to-Deny.

Should you have any questions or concerns please contact Mike Constantino or George Roate of my staff at Mike.Constantino@illinois.gov or George.Roate@illinois.gov or 217.782.3516.

Sincerely,



Courtney Avery, Administrator
Illinois Health Facilities and Services Review Board