



ASHTON CENTER
For Day Surgery, LLC

Ms. Debra Savage
Chair
Illinois Health Facilities and Services Review Board
525 West Jefferson Street
2nd Floor
Springfield, IL 62761

Re: OrthoIllinois Surgery Center Elgin, LLC (“OrthoIllinois”)
Project No. 20-040 (the “Project”)
Letter of Opposition

Dear Ms. Savage:

Ashton Center for Day Surgery (“Ashton”) again respectfully requests that the Review Board deny the application of OrthoIllinois to establish a new surgery center in Elgin (the “Project”). As the State Board Report has found, there is substantial excess surgical capacity in the area, and the Project does not meet your regulations.

Background of Ashton Surgery Center

Ashton is a four-room surgery center concentrating on the exact same specialties OrthoIllinois proposes to provide—Orthopedics, Podiatry and Pain Management. Over 97% of our procedures are in these specialties. Our 2019 facility profile reports that we operated at 23% of the Board’s target utilization and our 2020 utilization was even less. We can accommodate all of the cases OrthoIllinois proposes in its Project.

State Board Report on Duplication of Services

The State Board Report makes it quite clear that there is considerable excess surgical capacity in the area. Attached is a table from the State Board Report exhibiting the underutilization of area facilities and the duplication of services. Consequently, the State Board staff correctly made negative findings on need, unnecessary duplication of services, service accessibility, and other review criteria. Given that the Applicants cannot come close to justifying the Project based upon your rules, they needed to explain why using underutilized facilities like ours cannot be the sound and lower cost alternative that it is. They have tried to do this with us by making claims that are patently false.



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Ashton is not a “Closed Shop” as Applicants Claim

In the June 8, 2021 supplemental materials the Applicants filed after receiving an Intent-to-Deny, they make a number of dubious statements. First, is this quote:

“This project for a specialty ASTC will address the need for additional operating rooms thereby increasing access to the GSA.”

As the attached page from the State Board Report shows, there is no need for additional operating rooms. Either this statement is false or your State Board staff finding is incorrect. We suggest you believe your staff. The next statement from the supplemental material is of particular interest and concern for Ashton. The Applicants state that one underutilized facility, which while unnamed can only refer to us, should not be considered for comparison because:

One ASTC with a closed staff policy where no OrthoIllinois surgeons have privileges;

This statement is intended to try to convince the Review Board that our underutilized facility is not a suitable alternative. The problem with the statement is that, it is absolutely false. We are not a closed staff. We have available times and would welcome them to perform procedures at our facility. They claim that that they cannot obtain sufficient Block Times. We commit to offering them Block Times. As to their claiming to not have privileges at our facility, it is because they never applied. We invite them to do so. Please do not allow this argument to justify a new unneeded facility.

Conclusion

We ask the Review Board to deny the OrthoIllinois application. The State Board Report shows that this Project is a counter to your own rules. We invite these physicians to utilize our facility and avoid duplicating new unnecessary facilities. We stand ready to work with these orthopedic physicians to provide patient care through our existing surgery center.

Sincerely yours,

A handwritten signature in black ink that reads "Johny Antony".

Johny Antony

Administrator

TABLE SIX
ASTCs and Hospitals within the GSA

| Facility | City | Surgical Specialties | Operating Procedure Rooms | Hours | Rooms Justified | Met Standard? (1) |
|---|-------------------|--|---------------------------|--------|-----------------|----------------------|
| Algonquin Road Surgery Center, LLC | Lake in the Hills | Gastro, OB/GYN, Ophthalmology, Oral/Max, Orthopedics, Otolaryngology, Pain Man., Plastic Surgery Podiatry | 4 | 4,064 | 3 | No |
| Ashton Center for Day Surgery | Hoffman Estates | Orthopedics, Otolaryngology, Pain Man., Podiatry | 4 | 1,407 | 1 | No |
| Fox Valley Orthopedic Associates | Geneva | Orthopedics, Pain Management, Podiatry | 4 | 3,922 | 3 | No |
| Valley Ambulatory Surgery Center | St. Charles | Gastro, General Surgery, Neuro, OB/GYN, Ophthalmology, Oral/Max, Orthopedics, Otolaryngology, Pain Man., Podiatry, Urology | 8 | 8,710 | 6 | No |
| Elgin Gastroenterology Endoscopy Center | Elgin | Gastro | 2 | 5,574 | 4 | Yes |
| Advocate Sherman ASTC | Elgin | General Surgery, Ophthalmology, Orthopedics, Otolaryngology, Urology | 3 | NA | NA | NA |
| Hospitals | | | | | | |
| Delnor Community Hospital | Geneva | | 19 | 18,007 | 12 | No |
| Advocate Sherman Hospital | Elgin | | 16 | 28,116 | 19 | Yes |
| AMITA Health Presence Saint Joseph Hospital - Elgin | Elgin | | 13 | 5,376 | 4 | No |

1. State Board Standard is 1,500 hours per operating/procedure rooms.
2. Operating Rooms and Hours from 2019 Hospital and ASTC Profile Data.