



Ambulatory Surgery Center, LLC

March 3, 2022

April R. Simmons
General Counsel and Ethics Officer
Illinois Health Facilities and Services Review Board
525 West Jefferson St.
Springfield, Illinois 62761

Re: Peoria Day Surgery Center, LTD
COE/CHOW Permit Application # E-001-22
State Board Staff Report (SBR) Comments
Posted: March 1, 2022
Board Meeting: March 15, 2022

Ms. Simmons,

I acknowledge the Applicants have submitted the information required by the State Board to act on this respective Permit Application, and thank your Staff for including a summary of the reasons my organization relinquished its approved COE/CHOW Permit # E-016-21 (SBR page 3 of 8).

My February 15, 2022 Public Hearing Testimony, including subsequent correspondence in your files, and in particular; the additional comments correspondence dated February 23, 2022 does provide background for this SBR comment letter. I also acknowledge the Review Board Staff relies on the accuracy of the information provided by applicants in developing their respective SBRs, which in this case has some factual inaccuracies as noted herein.

My comments follow:

As for the Temporary Suspension of Services, the SBR notes on page 3 of 8, III TRANSACTION, paragraph 2; services will be "temporarily suspended" in accordance with IDPH and IHFSRB requirements upon closing of the transaction (paraphrased).

In fact, the employed business broker of the current "owners"/"sellers" stated, in a February 23, 2022 response to public hearing letter to the IHFSRB; the "suspension of services" notification was provided to the IHFSRB on January 24, 2022, which I believe to be a substantive issue.

The current "owners"/"sellers" suspended, or actually discontinued, by definition, all clinical services within the subject multi-specialty ASTC on September 1, 2021, or approximately 5-months before the January 24, 2022 notification letter. The current "owners"/"sellers" disclosed their plan to halt operations on August 27, 2021. This earlier discontinuation of a healthcare facility, without proper notification, as I understand the circumstances, did not comply with IHFSRB requirements, let alone the Discontinuation of a Healthcare Facility required by Public Act 101-0650 (July 7, 2020). "Temporary Suspension" of a service in a multi-specialty

ASTC could potentially include, by way of example; urology or otolaryngology. In this case, all services were suspended, or discontinued, on September 1, 2021, thereby suggesting the need to comply with the Public Act.

As for Reinstating Services, the proposed new owners, Springfield Clinic, LTD, do not plan on re-establishing/reopening this multi-specialty ASTC until February 2023, which is almost 18-months following when all services were suspended/discontinued in September 2021. This period does not appear to comply with IHFSRB requirements regarding "temporary suspension of services", nor the "discontinuation of a healthcare facility" requirements embodied in Public Act 101-0650, as may be applicable.

As to the Physical Condition of the subject property, the condominium building which houses the ASTC, and the ASTC itself, requires more than modernization; as stated in the Permit Application. The building's physical condition requires significant "mitigation", based on documented analysis, to meet IDPH environmental standards for a licensed ASTC. The "owners/sellers" were provided a Mold Sampling Air Report on August 20, 2021, which stated that air samples collected on premise, not only contained *Aspergillus/Penicillium*, it also contained a total mold spore count exceeding 1,000 Count/m³. In well maintained and ventilated areas, total mold spore counts should not exceed 1,000 Count/m³. On September 7, 2021, the "owners/sellers" were provided a follow up Mold Report, after further on-site investigation was conducted. That report made clear several conclusions including, but not limited to; visible mold or mold-causing conditions in a dozen or more separate areas. The expert environmental consultants also determined Mold to be behind baseboards and the walls in at least, three of the four OR Rooms.

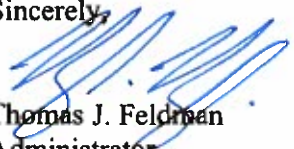
My understanding is that no steps have been taken to remediate the Mold, which has been active for at least 6 months. The expert environmental consultants also advised that the roof of the subject multi-specialty ASTC be replaced. This has not occurred, and has been left in the same condition through the entirety of this winter.

My intent in submitting this SBR Comment Letter, including previous interaction pertaining to this COE/CHOW Permit Application, is to ensure the Review Board has full and factual information as it considers approval.

Thank you for considering this information.

If further clarification is required, I can be reached at 309-683-5480 or tfeldman@cfhasc.com.

Sincerely,



Thomas J. Feldman
Administrator

cc: Michael Constantino, Senior Reviewer
Ed Parkhurst, PRISM Healthcare Consulting