STATE OF ILLINOIS
HEALTH FACILITIES AND SERVICES REVIEW BOARD
525 WEST JEFFERSON ST. • SPRINGFIELD, ILLINOIS 62761 • (217) 782-3516 • FAX: (217) 785-4111

October 17, 2022 REVISED

TRANSMITTED ELECTRONICALLY

Kara Friedman, Esq. Shareholder
Polsinelli
150 N. Riverside Plaza, Suite 3000
Chicago, IL 60606

Re: Status of Board Actions on Illinois Health Facilities and Services Review Board Certificate of Exemption Applications:
E-041-22, Illinois Masonic Medical Center
E-042-22, Advocate Sherman Hospital
E-043-22, Advocate South Suburban Hospital
E-044-22, Advocate Trinity Hospital
E-045-22, Advocate Christ Hospital and Medical Center
E-046-22, Advocate Condell Medical Center
E-047-22, Advocate Good Shepherd Hospital
E-048-22, Advocate Good Samaritan Hospital
E-049-22, Advocate Lutheran General Hospital
E-050-22, Dreyer Ambulatory Surgery Center

Dear Ms. Friedman:

This letter serves as clarification of the status of the above referenced applications for Certificates of Exemption (COE) following the Health Facilities and Services Review Board ("HFSRB") actions at its September 13, 2022 meeting.

The ten COE applications were referred by the Chair to the full Board for consideration and placed on the agenda for its September 13, 2022 meeting. At that meeting, representatives of Advocate, including their COE Counsel, Joe Ourth, Chief Operations Officer and Chief Legal Counsel, as well as others, provided testimony in response to questions from Board members about the applications. Following that discussion, the Board voted on a motion to approve the COE applications. That motion did not receive the necessary number of votes from members to be approved. Following that vote, Advocate's COE counsel requested that the Board reconsider its prior vote and table the matter. After a brief recess, the Board returned to open session and approved a motion to reconsider the prior vote and postpone consideration of the matter to the next meeting.

Because the Board properly passed a motion to reconsider its prior vote and to postpone consideration until the subsequent meeting, the Board's first vote resulting in the denial of the application is suspended and the Board has not taken a final action on these applications. Thus, no final administrative decision has been made, within the meaning of either the Illinois Health Facilities Planning Act, nor the Illinois Administrative Review Law. This is evidenced by the fact that the Board has not issued a denial letter to the applicants, which would communicate the Board's final decision. HFSRB staff has determined that these COE Applications are "applications deemed complete" and awaiting final consideration by the Board.

As Advocate has provided a letter, dated September 20, 2022, which has been made a part of the application's record, Staff has been working diligently and in good faith to identify a date when a quorum of the Board can be available for a Special Meeting for consideration of the COE applications. At this time, we anticipate that such a meeting will occur the week of November 14, 2022. As soon as staff have identified a date when a quorum of the Board can participate, we will share that date with you and post an agenda pursuant to the Open Meetings Act.

If you should have any questions or concerns, please do not hesitate to contact me or the Douglas Dorando, Deputy General Counsel, IDPH.

Sincerely,

John Kniery
Administrator, HFSRB

C: Michael Grebe, CLO Advocate Aurora Health, Inc.
Joe Ourth, Esq., Partner, Saul Ewing Arnstein & Lehr LLP
Douglas Dorando, Esq., Deputy General Counsel
Division of Legal Services, IDPH