



STATE OF ILLINOIS

HEALTH FACILITIES AND SERVICES REVIEW BOARD

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

DOCKET NO: H-07	BOARD MEETING: March 21, 2023	PROJECT NO: 23-009	PROJECT COST: Original: \$0
FACILITY NAME: Illinois Bone & Spine Institute		CITY: Elmhurst	
TYPE OF PROJECT: Substantive			HSA: VII

PROJECT DESCRIPTION: The Illinois Back & Neck Institute, PLLC d/b/a Illinois Bone & Spine Institute, an ambulatory surgical treatment center is asking the State Board to discontinue its facility at 360 W. Butterfield Rd., Suite 100, Elmhurst, Illinois. There is no cost to the project.

Information regarding this application can be found at this link:

<https://www2.illinois.gov/sites/hfsrb/Projects/Pages/23-009.aspx>

EXECUTIVE SUMMARY

PROJECT DESCRIPTION:

- The Illinois Back & Neck Institute, PLLC d/b/a Illinois Bone & Spine Institute, an ambulatory surgical treatment center is asking the State Board to discontinue its facility at 360 W. Butterfield Rd., Suite 100, Elmhurst, Illinois. There is no cost to the project.
- The discontinuation of this facility is being proposed in conjunction with the relocation of the facility *approximately 0.2 miles away. The Applicant has previously filed a corresponding application to relocate its operations to a new address (relocating from 360 W. Butterfield Rd. to 300 W. Butterfield Rd.), pending under Application #22-041.*

WHY THE PROJECT IS BEFORE THE STATE BOARD:

- The project is before the State Board because the project proposes the discontinuation of a health care facility.

PUBLIC HEARING/COMMENT:

- A public hearing was offered but was not requested. No letters of support or opposition were submitted regarding this project.

SUMMARY:

- The Applicant has successfully addressed the requirements of the State Board.



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STATE BOARD STAFF REPORT

Project #23-009

Illinois Bone & Spine Institute

APPLICATION/SUMMARY CHRONOLOGY	
Applicant(s)	Illinois Back & Neck Institute, PLLC d/b/a Illinois Bone & Spine Institute
Facility Name	Illinois Back and Neck Institute
Location	360 West Butterfield Rd., Suite 100, Elmhurst, Illinois
Permit Holder	Illinois Back & Neck Institute, PLLC d/b/a Illinois Bone & Spine Institute
Owner of Site	360 West Butterfield, LLC
Application Received	February 6, 2023
Application Deemed Complete	February 7, 2023
Anticipated Completion Date	Upon Licensure of relocated facility
Review Period Ends	June 7, 2023
Review Period Extended by the State Board Staff?	No
Can the Applicant request a deferral?	Yes

I. Project Description

The Illinois Back & Neck Institute, PLLC d/b/a Illinois Bone & Spine Institute, an ambulatory surgical treatment center is asking the State Board to discontinue its facility at 360 W. Butterfield Rd., Suite 100, Elmhurst, Illinois. There is no cost to the project.

II. Summary of Findings

- A. State Board Staff finds the proposed project is in conformance with all relevant provisions of Part 1110 (77 ILAC 1110).
- B. State Board Staff finds that the proposed project is in conformance with all relevant provisions of Part 1120 (77 ILAC 1120).

III. General Information

Illinois Back & Neck Institute, PLLC d/b/a Illinois Bone & Spine Institute is the licensee and is owned by Dr. Neema Bayran, M.D. This is a substantive project subject to a Part 1110 review. Part 1120 is not applicable because there are no capital costs related to the discontinuation of this ASTC.

Dr. Neema Bayran was approved by the State Board (Permit #17-073) to establish an ASTC performing orthopedic and pain management surgical specialties at 360 West Butterfield Rd., Suite 100, in Elmhurst, Illinois at a cost of \$790,000. The ASTC was licensed May 2, 2021.

IV. Background of the Applicant, Safety Net Impact Statement, Purpose of the Project

A) Background of the Applicant

An applicant shall document the *qualifications, background, character, and financial resources to adequately provide a proper service for the community* and demonstrate that the project promotes the *orderly and economic development of health care facilities in the State of Illinois that avoids unnecessary duplication of facilities or service*. [20 ILCS 3960/2]

The Applicant stated that he/she does own any other ambulatory surgical treatment centers, or the officers or members of the Applicant do not own any other healthcare facilities in Illinois. The Applicant has certified that there have been no adverse action taking against any facility owned and/or operated by the Applicant during the three years prior to filing of the application. The Applicant also certifies that there have been no individuals cited, arrested, taken into custody, charged with, indicted, convicted, or tried for, or pled guilty to the commission of any felony or misdemeanor or violation of the law, except for minor parking violations; or the subject of any juvenile delinquency or youthful offender proceeding. The Applicant certifies that no person has charged with fraudulent conduct or any act involving moral turpitude. Pursuant to the certification executed with the submission of this application, the Applicant certify that they do not have one or more unsatisfied judgements against him or her. The Applicant permits the HFSRB and IDPH access to any documents necessary to verify the information submitted, including, but not limited to official records of IDPH or other State agencies; the licensing or certification records of other states, when applicable; and the records of nationally recognized accreditation organizations.

B) Purpose of the Project

According to the Applicant the reasons for discontinuation are that the provision of service at the current location is not economically feasible. The Applicant is asking the State Board to approve a NEW location owned by the Dr. Neema Bayran in conjunction with this application (#22-041). The Applicant believes control over the physical site will ensure the uninterrupted operation of the replacement facility. The Applicant states the lease for the current space expires in 2024 and the current building owner has been unwilling to enter a long-term lease with the licensee. The Applicant believes the continued operation of the facility is not economically feasible and threatens the facility's long-term financial viability.

C) Safety Net Impact Statement

The Applicant states the facility will cease operations upon approval of a replacement facility and thus there will be no adverse material impact on the essential safety net services that it provides. Additionally, the discontinuation of its facility will not impact existing providers. The project should not have any impact on the ability of another provider or health care system to cross subsidize safety net services. The discontinuation of the facility will not impact remaining safety net providers as the licensee proposes to relocate less than a mile away.

V. Discontinuation

As documented above the Applicant states the reasons for discontinuation are that the provision of service at the current location is not economically feasible. The Applicant believes control over the physical site will ensure the uninterrupted operation of the replacement facility. The lease for the current space expires in 2024 and according to the Applicant the current building owner has been unwilling to enter a long-term lease with the licensee. The discontinuation will not have an adverse effect upon access of care for residents of the facility's market area. Upon approval of Project #22-041 Dr. Bayran will relocate the facility less than one mile away from the current location. The medical records will be maintained by Illinois Bone & Spine Institute for a period of 10 years. The anticipated use of the physical plant has not been determined as the licensee does not own the building. Certain usable medical equipment will be transferred to the relocated Illinois Bone & Spine Institute (Project #22-041) if the project is approved.