

September 24, 2024

VIA EMAIL

John P. Kniery
Board Administrator
Health Facilities and Services Review Board
Illinois Department of Public Health
525 West Jefferson Street, Second Floor
Springfield, Illinois 62761

Re: 5605 East Rockton Road, Roscoe, IL 61073- NorthPointe Neighborhood Hospital, Project #24-018

Dear Mr. Kniery:

We represent Javon Bea Hospital in Rockford, Illinois, a full-service acute care hospital located in the same geographic service area of the proposed NorthPointe Neighborhood Hospital. This correspondence is to bring to the attention of Health Facilities and Services Review Board ("HFSRB") staff, legal counsel, and the Illinois Department of Public Health ("IDPH") some anomalies regarding the Wisconsin-based Beloit Health System's NorthPointe campus and its most recent proposed project that are at odds with HFSRB rules, established practices, and IDPH licensing regulations.

HFSRB practice has been consistent over the past 20 years in which I have appeared before this Board regarding the HFSRB's unwillingness to process or consider an application that IDPH will not license. IDPH practice over this same period of time has been equally consistent with an unwillingness to allow for multiple licensed healthcare facilities with a single address or within a single structure that does not meet state design and safety guidelines. On multiple occasions we have revisited this issue with both HFSRB staff and IDPH to explore the potential for a Hospital in a Hospital ("HIH") as permitted by CMS. All of these efforts have been unsuccessful due to the consistent interpretation of IDPH policy which does not allow for the licensing of another facility within the confines of structure that is already a licensed facility.

The proposed project to establish a "neighborhood hospital" (despite the intentionally designed non-threatening moniker would be licensed as a hospital) would be the third licensed facility located at 5605 East Rockton Road, Roscoe, IL 61073 and the fourth licensed facility in the same complex. All prior discussions with IDPH and the HFSRB staff have advised that to allow for multiple facilities to be licensed within the same building would require a legislative change and we are unaware of any such change.

The uncertainty regarding how many licensed facilities are present at this location provides the basis for the second degree of concern. Certificates of Need are site-specific and per 77 Ill. Admin. Code Section 1130.140 that facility site is to be identified by the address or legal property description of the proposed facility. This has always been the case and it has been absolute. There are numerous instances in which applicants have had to either jump through excessive hurdles to modify or correct addresses or to refile applications to address inconsistencies prior to the HFSRB's willingness to consider an application. Even well-intentioned scrivener's errors have had to have been corrected and required compliance – this rule has been absolute.

Upon information and belief, because we are uncertain as to what, if any information is in the possession of the HFSRB regarding these projects that may not have been posted or published, it would appear various Northpointe projects have been approved for one address and subsequently licensed at another. The easiest examples to identify are the following, all information coming from the relevant HFSRB permit letters and the CON applications:

ASTC

Project Number:	#13-072
Facility Name:	NorthPointe Health & Wellness Campus ASTC
Facility Address:	5605 E. Rockton Road, Roscoe, Illinois

Birthing Center

Project Number:	#21-021
Facility Name:	NorthPointe Birth Center
Licensed Address:	5605 E. Rockton Road, Roscoe, Illinois

Proposed “Neighborhood” Hospital

Project Number:	#24-018
Facility Name:	NorthPointe Neighborhood Hospital
Licensed Address:	5605 E. Rockton Road, Roscoe, Illinois

In addition to the above, the materials in the CON application demonstrate that at 5605 E. Rockton Road, Roscoe, Illinois there is also an assisted living facility, a facility, and a clinic. However, per the materials provided by the applicants (who are the same for all of the above projects) the ASTC is licensed at 5605 E. Rockton Road, Roscoe, Illinois. The assisted living facility is licensed at 5601 E. Rockton Road, Roscoe, Illinois. The Birthing Center is licensed at 5609 E. Rockton Road, Roscoe, Illinois. And the proposed location for the “Neighborhood” Hospital remains at 5605 E. Rockton Road, Roscoe, Illinois. This appears to be inconsistent with established HFSRB rules and IDPH licensing requirements in multiple ways and, if approached consistently with established practice, this should be clarified before this application can be considered.

Further, the application for proposed “neighborhood hospital” states that the existing Immediate Care will “become part of the emergency department” and there will be the conversion of one of the existing ASTC’s operating rooms for the new facility. The application does not describe how this will be accomplished and constructed to meet IDPH design and safety standards. As proposed the Applicants seek to obtain approval for a hospital at the same physical address of a licensed ASTC.

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If you should have any questions or need any additional information regarding the project, please do not hesitate to contact me at 312-212-4952 or via email at msilberman@beneschlaw.com.

Best regards,

BENESCH, FRIEDLANDER,
COPLAN & ARONOFF LLP



Mark J. Silberman

MJS

cc: Karen Senger, IDPH
Dennis Schmidt, IDPH