

Constantino, Mike

From: Moon, Shawn K [skmoon@uhlaw.com]
Sent: Thursday, November 08, 2012 1:04 PM
To: Constantino, Mike
Subject: RE: Gailey Eye Surgery - Decatur Project Obligation
Attachments: 2012-09-17 12-023 NOTICE OF PROJECT COMPLETION.pdf

Mike,

Thank you. You are correct that we extended the completion date to 12/31/2012, to provide leeway in the event that the sale did not close on August 31, 2012. We were able to close and did so on August 31, 2012. We then provided the requisite notice of project completion in a timely manner per the attached. Unfortunately, since this is a simple change of ownership, moving directly into project completion, we did not think a project obligation notice really applied, as it might, for example, if we had a CON to build an ASC. In rereading the rules, which have not been modified to better fit a change of ownership scenario in this regard, it appears that we should also submit a notice of project obligation. This would be a late notice but we hope subsumed by the timely notice of project completion in any event.

Per our discussion yesterday, I thought that you recommended getting this additional notice in, albeit late, but that this would not be a problem given the earlier and more dispositive notice of project completion. Please advise, given this further clarification.

Thanks,
Shawn

Shawn Kenneth Moon
Ungaretti & Harris LLP
70 W. Madison St. Ste. 3500
Chicago, Illinois 60602
(312) 977-4342 (ph)
(312) 977-4405 (fax)
skmoon@uhlaw.com

From: Constantino, Mike [<mailto:Mike.Constantino@Illinois.gov>]
Sent: Thursday, November 08, 2012 7:39 AM
To: Moon, Shawn K
Subject: RE: Gailey Eye Surgery – Decatur Project Obligation

Hi Shawn:

A permit renewal was approved for this project extending the completion date to December 31, 2012. For this project obligation is at the time of project completion and since the completion date was extended the obligation was also extended to December 31, 2012.

From: Moon, Shawn K [<mailto:skmoon@uhlaw.com>]
Sent: Wednesday, November 07, 2012 5:21 PM
To: Constantino, Mike
Subject: Gailey Eye Surgery – Decatur Project Obligation

Mike,

Thank you again for your help today. I would like to confirm our discussion regarding the Gailey Eye Surgery – Decatur (formerly Advanced Eye Surgery and Laser Center) certificate of need permit (Project Number 12-023). My understanding is that our submission of an attestation of project obligation for this project at this time (despite the closing

of the project on August 31, 2012) will not result in any compliance issues (or related sanctions) for delayed notification of project obligation.

If you could please confirm our understanding on this matter, it would be greatly appreciated.
Thanks and have a great day,
Shawn

Shawn Kenneth Moon
Ungaretti & Harris LLP
70 W. Madison St. Ste. 3500
Chicago, Illinois 60602
(312) 977-4342 (ph)
(312) 977-4405 (fax)
skmoon@uhl.com

Information contained in this email transmission is privileged and confidential. If you are not the intended recipient, do not read, distribute or reproduce this transmission (including any attachments). If you have received this email in error, please notify the sender by email reply.

To ensure compliance with requirements imposed by the IRS, we inform you that, unless otherwise expressly indicated, any U.S. federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

UNGARETTI & HARRIS

Three First National Plaza
70 West Madison - Suite 3500
Chicago, Illinois 60602.4224
Telephone: 312.977.4400
Fax: 312.977.4405
www.uhlaw.com

UNGARETTI & HARRIS LLP
CHICAGO, ILLINOIS
SPRINGFIELD, ILLINOIS
WASHINGTON, D.C.

SHAWN MOON
312.977.4342
skmoon@uhlaw.com

RECEIVED

SEP 17 2012

HEALTH FACILITIES &
SERVICES REVIEW BOARD

September 14, 2012

VIA FEDERAL EXPRESS

Illinois Health Facilities and Services Review Board
525 W. Jefferson, Second Floor
Springfield, Illinois 62761
Attn: Courtney Avery

Re: Notification of Project Completion for Advanced Eye Surgery and Laser Center (Project Number 12-023)

Ms. Avery:

This firm represents Gailey Eye Surgery - Decatur, LLC (the "Applicant") in the above referenced matter. In accordance with the Health Facilities Planning Procedural Rules (77 Ill. Adm. Code 1130), the Applicant respectfully submits this notification of project completion for the Advanced Eye Surgery and Laser Center certificate of need project (Project Number 12-023). The change of ownership transaction contemplated by this application was completed on August 30, 2012. The Applicant will submit a report of final realized costs within 90 days of the project completion date.

Please do not hesitate to contact me with any questions.

Sincerely,



Shawn Moon