



STATE OF ILLINOIS
HEALTH FACILITIES AND SERVICES REVIEW BOARD

122 South Michigan, Ste. 700 • CHICAGO, ILLINOIS 60603 • (312) 814-5418 FAX: (312) 814-1503

March 21, 2014

Charles P. Sheets, Esq.
Polsinelli Shugart P.C.
161 N. Clark Street
Suite 4200
Chicago, IL 60601-3316

Re: Ottawa Pavilion, Projects # 09-048 & 12-063
HFRSB 12-09 & 14-01

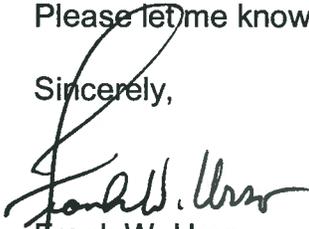
Dear Mr. Sheets:

This letter is in response to your February 7, 2014 letter requesting that the Board extend the deadline for Ottawa Pavilion to comply with the respite care program detailed in the February 25, 2013 Final Order and Consent Agreement. The Board agrees to extend the respite care program to December 31, 2015. The Board also agrees to expand the referral sources to include OSF St. Elizabeth Home Health and Hospice, OSF St. Elizabeth Medical Center, Vitas Hospice, Passages Hospice, Willow Home Health, and Vita Wellness Home Health for respite care and to include physical, occupational, and speech therapy services in addition to the respite care services.

Please sign the attached First Amended Consent Agreement and return it back to my office. In addition, you will find a Notice of Intent to Impose a Fine, etc. for Ottawa Pavilion failing to timely submit the final realized cost report for project # 12-063.

Please let me know if you have any questions.

Sincerely,


Frank W. Urso
General Counsel

HEALTH FACILITIES and SERVICES REVIEW BOARD
STATE OF ILLINOIS

Health Facilities and Services Review Board,

Complainant,

vs.

Ottawa Pavilion, Ltd, 800 East Center Street, LLC
Project #12-063

Docket No. HFSRB 14-01

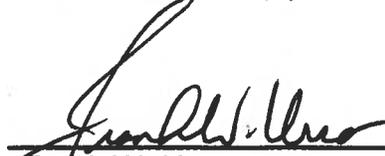
Respondent.

PROOF OF SERVICE

The undersigned certifies that true and correct copies of the attached Notice of Intent to Impose a Fine, Notice of an Opportunity for an Administrative Hearing and Appearance before the Health Facilities and Services Review Board, and Notice of Allegations of Non-Compliance were sent by certified mail in a sealed envelope, postage prepaid to:

Charles P. Sheets, Esq.
Polsinelli
161 N. Clark Street
Suite 4200
Chicago IL. 60601-3316

The said documents were deposited in the United States mail in Chicago, Illinois, on the 21 day of MARCH, 2014.



Frank W. Urso
General Counsel
Illinois Health Facilities and Services
Review Board

cc: M. Constantino
C. Avery

HEALTH FACILITIES and SERVICES REVIEW BOARD
STATE OF ILLINOIS

Health Facilities and Services Review Board,

Complainant,

vs.

Ottawa Pavilion, Ltd, 800 East Center Street, LLC
Project #12-063

Respondent.

Docket No. HFSRB 14-01

NOTICE OF INTENT TO IMPOSE A FINE, NOTICE OF AN OPPORTUNITY FOR AN
ADMINISTRATIVE HEARING AND APPEARANCE BEFORE THE HEALTH
FACILITIES AND SERVICES REVIEW BOARD AND NOTICE OF ALLEGATIONS OF
NON-COMPLIANCE

Pursuant to the authority granted by the Illinois Health Facilities Planning Act (20 Ill. Comp. Stat. 3960/1 et seq.) (the "Act") and the Illinois Health Facilities Planning Procedural Rules (the "Code") (77 Ill. Admin. Code 1130), NOTICE is given that:

NOTICE OF INTENT TO IMPOSE A FINE

In accordance with Section 14.1 of the Act, the Illinois Health Facilities and Services Review Board ("HFSRB" or "State Board") intends to impose a fine of Twenty Thousand Dollars (\$20,000.00) against Respondent. This action is based upon Respondent's failure to comply with the Act and Code as set forth in the Allegations of Non-Compliance in Attachment A.

Respondent shall pay a fine of Thirty Thousand Dollars (\$30,000.00) to the State Board. Upon receipt of the fine by the State Board, a final order will be presented for approval to the State Board at its next meeting. The final order will dismiss this matter with prejudice.

Make the fine payable to the: Illinois Department of Public Health. Send the payment to the:

Health Facilities and Services Review Board
525 West Jefferson St., Second Floor
Springfield, IL 62761

NOTICE OF AN OPPORTUNITY FOR AN ADMINISTRATIVE HEARING

In accordance with Sections 10 and 14.1(c) of the Act and Sections 1130.1010 and 1130.1020 of the Code, Respondent is hereby offered the opportunity for an administrative hearing before a duly appointed Administrative Law Judge to show cause why Respondent should not be fined, provided that Respondent requests such a hearing within thirty (30) days after receipt of this Notice.

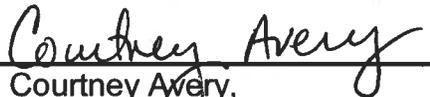
Failure to request a hearing within thirty (30) days from receipt of this Notice will constitute a waiver of the right to such hearing.

NOTICE OF AN OPPORTUNITY TO APPEAR
BEFORE THE HEALTH FACILITIES AND SERVICES REVIEW BOARD

In accordance with Sections 10 and 14.1(c) of the Act, Respondent is offered the opportunity to appear before the HFSRB. The Respondent is NOT required to appear before the HFSRB at this time, but if Respondent wants to appear before the HFSRB to respond to the Allegations of Non-Compliance a written request must be made within thirty (30) days after receipt of this Notice.

Failure to request an opportunity to appear before the HFSRB within thirty (30) days from the receipt of this Notice will constitute a waiver of the right to such an opportunity.

The hearing request and the request to appear before the HFSRB shall be made in writing and directed to Frank W. Urso, General Counsel, Health Facilities and Services Review Board, 122 S. Michigan, Suite 700, Chicago, Illinois 60603.



Courtney Avery,
Board Administrator,
Health Facilities and Services
Review Board

Dated this 3rd day of March 2014.

ATTACHMENT A.

HEALTH FACILITIES and SERVICES REVIEW BOARD
STATE OF ILLINOIS

Health Facilities and Services Review Board,

Complainant,

vs.

Ottawa Pavilion, Ltd, 800 East Center Street, LLC
Project #12-063

Respondent.

Docket No. HFSRB 14-01

NOTICE OF ALLEGATIONS OF NON-COMPLIANCE

Pursuant to the Illinois Health Facilities Planning Act ("Act") (20 Ill. Comp. Stat. 3960/1 et seq.) and the Health Facilities Planning Rules ("Code") (77 Ill. Admin. Code 1130), the Illinois Health Facilities and Services Review Board ("HFSRB" or State Board") has the following authority.

Section 12. of the Act establishes, in part, that:

"[T]he State Board shall exercise the following powers and duties:

Prescribe rules, regulations, standards, criteria, procedure or reviews which may vary according to the purpose for which a particular review is being conducted or the type of project reviewed and which are required to carry out the provisions and purposes of this Act."

Section 13. of the Act establishes, in part, that:

"The State Board shall require all health facilities operating in this State to provide such reasonable reports at such times and containing such information as is needed by it to carry out the purposes and provisions of this Act."

Complainant bases its intent to fine Respondent Thirty Thousand Dollars (\$30,000.00) on the following provisions of the Act and/or Code.

Section 14.1(a) of the Act and Section 1130.790 of the Code allows, in part, that:

“The State Board may deny an application for a permit may revoke or take other action as permitted by this Act with regard to a permit as the State Board deems appropriate, including the imposition of fines as set forth in this Section, for any one or a combination of the following:

(3) The violation of any provision of this Act or any rule adopted under this Act.

Section 14.1 (b) (2.5) of the Act states, in part:

(2.5) A permit holder who fails to comply with the post-permit and reporting requirements set forth in Section 5 shall be fined an amount not to exceed \$10,000 plus an additional \$10,000 for each 30-day period, or fraction thereof, that the violation continues. This fine shall continue to accrue until that date that (i) the post-permit requirements are met and the post-permit reports are received by the State Board or (ii) the matter is reversed by the State Board to the State Board’s legal counsel. The accrued fine is not waived by the permit holder submitting the required information and reports. Prior to any fine beginning to accrue, the Board shall notify, in writing, a permit holder of the due date for the post-permit and reporting requirements no later than 30 days before the due date for the requirements. This paragraph (2.5) takes effect 6 months after August 27, 2012.

The Respondent’s alleged violations are based upon the following facts:

1. Respondent received a permit for project # 12-063 from the Board on December 10, 2012.
2. The project completion date was detailed on the permit letter as October 1, 2013.
3. On or about August 29, 2013 State Board staff sent a certified, written notice to the Respondent to submit the required Notice of Completion and Final Realized Cost Report no later than January 1, 2014.
4. On February 7, 2014, the State Board staff received Respondent’s untimely, Notice of Completion and Final Realized Cost Report.