



Joe Ourth  
 312.876.7815  
 jourth@arnstein.com

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HEALTH FACILITIES &  
 SERVICES REVIEW BOARD

Overnight Carrier  
 Ms. Courtney Avery  
 Administrator  
 Illinois Health Facilities and Services  
 Review Board  
 525 W. Jefferson  
 Springfield, IL 62761

Re: Status of Deferral  
 Vista Medical Center - Lindenhurst CON Application (the "Application")  
 Project No. 12-081 (the "Project")

Dear Ms. Avery:

We noted that the Applicants chose to not have its Project referenced above heard at the Review Board meeting this week. Similarly, we saw the newly posted correspondence on behalf of Community Health Systems requesting that the Vista Project be deferred to the Review Board meeting scheduled in March. This letter is our request for your determination as to whether this deferral is permissible under the applicable rules and to inquire as to the status of the Application.

We know that the State staff typically includes a summary grid in State Agency Reports regarding dates, timelines and deadlines. The State Agency Report ("SAR") published on January 22, 2013, contains this information at page 7 as shown below (emphasis added).

<b><u>STATE AGENCY REPORT</u></b> <b><u>Vista Medical Center - Lindenhurst</u></b> <b><u>PROJECT #12-081</u></b>	
Applicants	Lindenhurst Hospital Company, LLC, Community Health Systems, Inc.
Facility Name	Vista Medical Center - Lindenhurst
Location	Lindenhurst
Application Received	September 18, 2012
Application Deemed Complete	September 20, 2012
Review Period Ended	January 20, 2012
Review Period Extended by the State Agency	No
Public Hearing Requested	Yes
Applicants' Deferred Project	No
Can Applicants Request Another Deferral?	No

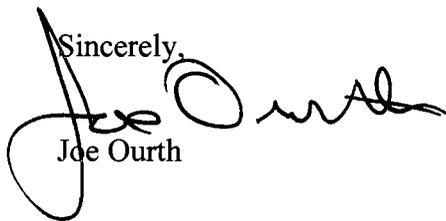
According to the State Agency Report, Applicants and all interested parties were informed that the Applicant could not further defer the Project. While an applicant usually has the right to remove an application from consideration, it does not always have a right to defer to a later meeting.

The SAR's determination that the Applicant cannot defer the Project is consistent with the Board's rules at §1130.640(b) which provide that an Applicant cannot defer a Project to a meeting that is scheduled later than six months from the time the Application was deemed complete. Here, this Application was declared complete on September 20, 2012, and accordingly, the meeting to which the Applicants request deferral was March 26, 2013 which is beyond the 6-month period.

Under the Board's rules the Applicants would have had opportunity to address additional issues if they desired. The Board rules would have allowed them to come to the Board, accept an Intent-to-Deny and file additional information in response to other issues prior to a final Board vote. The rules, however, do not allow the Applicant to request a deferral at this time. It appears that attempting a deferral is contrary to the rules and the finding set forth in the SAR. In other words, it appears that the Applicants have chosen to abandon their Application.

As you know, I have served as counsel to both Advocate Condell Medical Center and Northwestern Lake Forest Hospital. Out of respect for the Board process, all involved believed it better to bring this to your attention promptly rather than delaying this issue to the March hearing. We would appreciate your clarifying your interpretation as to the status of this Application so that we can know how to proceed.

As always, we thank you for your thoughtful consideration.

Sincerely,  
  
Joe Ourth

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