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NORTH SHORE ENDOSCOPY CENTER  
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Certificate of Need. The plan of correction appears to indicate that if the applicant desired, it could comply with IDPH requirements for an office-based practice. Winchester's argument for a CON appears to be that the Board should approve the Project because otherwise the applicant is out of compliance with the Board's rules. To try to justify a CON based on its own noncompliance seems to disrespect the entire process of complying with rules. To adopt this rationale would create an unacceptable precedent for future applicants – violate the Board's rules and use the noncompliance as justification for why the Board should approve the facility. The Board should not reward a noncompliant applicant with a CON. We support the position of the Ambulatory Surgery Center Association as expressed in its' September 15, 2014 letter and similarly believe that the results of the Review Board investigation become part of the record before this application is considered.

Board Rules Specify that Only Procedures Performed in Licensed Facilities Count in Computing Need.

The Review Board's rules specify that "Referrals to health care providers other than IDPH-licensed ASTC's or hospitals will not be included in determining projected patient volume". The State Board staff report finds that the application relies almost exclusively from referrals from a physician based practice and that are not eligible to be counted.

The Board had undertaken extensive review of its regulations regarding ASTCs and adopted these regulations less than one year ago. In doing so, the Board retained its long-standing requirement that only referrals from licensed facilities can be counted in determining volumes. The Illinois Hospital Association provided a well-reasoned letter to the Board on July 31, 2014 in which it explains the reason for this long-standing rule. The IHA asked the Board to uphold its rule, or at least address changes through the rulemaking process, but that the Board not selectively enforce its rule on this matter. We concur with the finding of the State Board staff and with the Illinois Hospital Association on this issue. This non-compliance alone provides sufficient reason to deny this application.

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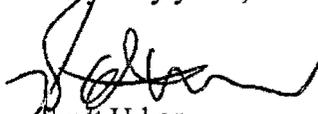
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No Need for a New Surgical Center

At the core of the Review Board's function is to determine whether a proposed facility improves access to care and is needed. State Board staff examined need and access in preparing their State Board Report. Based upon their review, staff concluded that "Because all existing facilities in the proposed geographic service area are not operating at target occupancy it would appear that unnecessary duplication of service may result with the approval of this facility". (SBR, page 3). In respect to access and need, the State Board in its report similarly found that it does not appear that service access will be improved because there are already numerous hospitals and surgery centers within the area that provide similar services. (SBR, page 3).

Your staff has closely examined the issue of access, need and duplication of services and found the project does not comply with Board rules. We ask that you respect the State Board finding and deny this Project.

Very truly yours,



Scott Urbon  
Center Director  
North Shore Endoscopy Center