BARNES & THORNBURG LLP

One North Wacker Drive, Suite 4400
Chicago, IL 60606-2833 U.S.A.
(312) 357-1313
Fax (312) 759-5646

www.btlaw.com

RECEIVED
SEP 24 2019
HEALTH FACILITIES &
SERVICES REVIEW BOARD

Daniel J. Lawler
Partner
(312) 214-4861
daniel.lawler@btlaw.com

September 23, 2019

Via Email and Overnight Delivery

Courtney R. Avery, Administrator
Illinois Health Facilities and Services
Review Board
525 West Jefferson Street
2nd Floor
Springfield, IL 62761

Karen Senger, RN, BSN
Division Chief
Illinois Department of Public Health
Division of Health Care Facilities and
Programs
525 West Jefferson
4th Floor
Springfield, IL 62761-0001

Re: MetroSouth Medical Center, Blue Island:
Notice of Temporary Suspension of General Surgery and Emergency Department

Dear Ms. Avery and Ms. Senger:

This letter is to provide written notice of a temporary suspension of general surgery and the emergency department at MetroSouth Medical Center, Blue Island ("MetroSouth") pursuant to 77 Ill. Adm. Code 1130.240(d). Although we recognize that neither of these services are "categories of service" within the meaning of the Review Board's rules, we wanted to provide notice of their suspension. The services were suspended on September 20, 2019, due to the loss of appropriate staff to safely operate the services. The Illinois Department of Public Health (IDPH) and the regional emergency medical services system were advised at the time of the discontinuation, and we had notified IDPH of their impending suspension on September 17, 2019 (*see* attached email correspondence).

MetroSouth filed an exemption application on June 11, 2019 to discontinue the entire hospital facility. The exemption application was deemed complete on June 12, 2019 and, under the provisions of the Health Facilities Planning Act and Review Board Regulations under which this application is being processed, the requested exemption "shall be" issued subsequent to the completeness finding. The application was initially scheduled for the August 6, 2019 meeting of the Health Facilities and Services Review Board ("Review Board"), but was subsequently scheduled for the September 17, 2019 Review Board meeting. At that meeting, and over the objection of MetroSouth, the Review Board voted to defer action on the exemption application.

The reason for the temporary suspension of the general surgery and the emergency department services is the inability of the hospital to maintain adequate and safe staffing for the service. We had previously advised IDPH on September 19, 2019 that the general surgery physician group at MetroSouth had given notice that, effective Friday, September 20, they would no longer be taking consults through the emergency department or through inpatient services.

There is currently no plan to reopen the general surgery and the emergency department services as the entire facility will be discontinued shortly after Review Board approval of the exemption application. Please be advised that, also due to lack of appropriate staffing, additional services, including categories of services such as Obstetrics, may also be temporarily suspended. On September 20, 2019, the hospital provided notice that it was no longer accepting new patients due to lack of physician surgical coverage for emergent patients or women in labor requiring surgery. The hospital was contacting all expectant mothers who were scheduled for delivery after last Friday. Additionally, the physician groups providing radiology and oncology services have submitted notices that they will cease all services for the hospital later this month. Patient care and safety is MetroSouth's highest priority and it intends to take every step necessary to avoid impacting the ability to provide a safe level of care to patients.

Very truly yours,

BARNES & THORNBURG LLP

Daniel J. Lawler

DJL:dp
Attachments

Lawler, Daniel

From: Lawler, Daniel
Sent: Tuesday, September 17, 2019 1:02 PM
To: RN BSN Karen Senger
Cc: John Walsh; Marty Smith
Subject: MetroSouth Blue Island

Ms. Senger,

The IHFSRB deferred action on MetroSouth's discontinuation application today. The hospital is very close to having to close further service lines, including Surgery and the Emergency Department. Do you have availability tomorrow for a phone call with me and John Walsh, the hospital's CEO, to discuss this?

Dan Lawler

Sent from my Verizon Motorola Smartphone

Lawler, Daniel

From: Senger, Karen <Karen.Senger@Illinois.gov>
Sent: Tuesday, September 17, 2019 1:02 PM
To: Lawler, Daniel
Subject: [EXTERNAL]Automatic reply: MetroSouth Blue Island

I will be out of the office on 9/13/19 at 6 pm and return 9/19/19 at 7am. If you need assistance please call the Department's main number at 217-782-7412 and ask for assistance or Contact Ms Hodge at 312-814-2917. or email at annette.hodge@illinois.gov

State of Illinois - CONFIDENTIALITY NOTICE: The information contained in this communication is confidential, may be attorney-client privileged or attorney work product, may constitute inside information or internal deliberative staff communication, and is intended only for the use of the addressee. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify the sender immediately by return e-mail and destroy this communication and all copies thereof, including all attachments. Receipt by an unintended recipient does not waive attorney-client privilege, attorney work product privilege, or any other exemption from disclosure.

Lawler, Daniel

From: Hodge, Annette <Annette.Hodge@Illinois.gov>
Sent: Wednesday, September 18, 2019 11:52 AM
To: Lawler, Daniel; Senger, Karen
Cc: Walsh, John P (John_Walsh@QuorumHealth.com); Smith, Marty (Marty_Smith@QuorumHealth.com)
Subject: [EXTERNAL]RE: Update on MetroSouth Medical Center, Blue Island

Mr. Lawler:
I'm looking forward to speaking with you all upon Karen Senger's return.

Thanks,
Annette

From: Lawler, Daniel <Daniel.Lawler@btlaw.com>
Sent: Wednesday, September 18, 2019 11:43 AM
To: Senger, Karen <Karen.Senger@Illinois.gov>; Hodge, Annette <Annette.Hodge@Illinois.gov>
Cc: Walsh, John P (John_Walsh@QuorumHealth.com) <John_Walsh@QuorumHealth.com>; Smith, Marty (Marty_Smith@QuorumHealth.com) <Marty_Smith@QuorumHealth.com>
Subject: [External] Update on MetroSouth Medical Center, Blue Island

Karen and Annette,

Confirming my telephone call with Annette, I had just spoken with John Walsh, CEO of MetroSouth, and he has advised me that the general surgery physician group at MetroSouth has given notice that, effective this Friday, Sept. 20, they are no longer taking consults through the emergency department or through inpatient.

John and I would like to speak with you as soon as possible. John and his CNO need to remain on site at Blue Island given what is transpiring now, and with the impact of the Univ. of Chicago Medical Center strike, but they will make themselves available for a call as soon as you are able.

Let us know a time that works for you. Thank you.

Dan

Daniel J. Lawler | Partner
Barnes & Thornburg LLP
One North Wacker Drive, Suite 4400
Chicago, IL 60606
Direct: 312-214-4861

Atlanta | Chicago | Dallas | Delaware | Indiana | Los Angeles | Michigan | Minneapolis | Ohio | Washington, D.C.

CONFIDENTIALITY NOTICE: This email and any attachments are
for the exclusive and confidential use of the intended recipient. If

you are not the intended recipient, please do not read, distribute or take action in reliance upon this message. If you have received this in error, please notify us immediately by return email and promptly delete this message and its attachments from your computer system. We do not waive attorney-client or work product privilege by the transmission of this message.

State of Illinois - CONFIDENTIALITY NOTICE: The information contained in this communication is confidential, may be attorney-client privileged or attorney work product, may constitute inside information or internal deliberative staff communication, and is intended only for the use of the addressee. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify the sender immediately by return e-mail and destroy this communication and all copies thereof, including all attachments. Receipt by an unintended recipient does not waive attorney-client privilege, attorney work product privilege, or any other exemption from disclosure.

Lawler, Daniel

From: Senger, Karen <Karen.Senger@Illinois.gov>
Sent: Thursday, September 19, 2019 1:30 PM
To: Lawler, Daniel; Hodge, Annette; Afeef, Junaid M.
Cc: Walsh, John P (John_Walsh@QuorumHealth.com); Smith, Marty (Marty_Smith@QuorumHealth.com)
Subject: [EXTERNAL]RE: Update on MetroSouth Medical Center, Blue Island

Mr. Lawler

I received your emails and due to meetings the rest of this week, I am not available to address this matter until Monday at 12:30 PM. I can set up a conference call at that time

Karen Senger, RN, BSN
Division Chief
Division of Health Care Facilities and Programs
Illinois Department of Public Health
525 West Jefferson St., 4th Flr
Springfield, IL 62761
karen.senger@illinois.gov
P-217-782-0381 F-217-782-0382

From: Lawler, Daniel [mailto:Daniel.Lawler@btlaw.com]
Sent: Wednesday, September 18, 2019 11:43 AM
To: Senger, Karen <Karen.Senger@Illinois.gov>; Hodge, Annette <Annette.Hodge@Illinois.gov>
Cc: Walsh, John P (John_Walsh@QuorumHealth.com) <John_Walsh@QuorumHealth.com>; Smith, Marty (Marty_Smith@QuorumHealth.com) <Marty_Smith@QuorumHealth.com>
Subject: [External] Update on MetroSouth Medical Center, Blue Island

Karen and Annette,

Confirming my telephone call with Annette, I had just spoken with John Walsh, CEO of MetroSouth, and he has advised me that the general surgery physician group at MetroSouth has given notice that, effective this Friday, Sept. 20, they are no longer taking consults through the emergency department or through inpatient.

John and I would like to speak with you as soon as possible. John and his CNO need to remain on site at Blue Island given what is transpiring now, and with the impact of the Univ. of Chicago Medical Center strike, but they will make themselves available for a call as soon as you are able.

Let us know a time that works for you. Thank you.

Dan

Daniel J. Lawler | Partner
Barnes & Thornburg LLP
One North Wacker Drive, Suite 4400
Chicago, IL 60606
Direct: 312-214-4861

CONFIDENTIALITY NOTICE: This email and any attachments are for the exclusive and confidential use of the intended recipient. If you are not the intended recipient, please do not read, distribute or take action in reliance upon this message. If you have received this in error, please notify us immediately by return email and promptly delete this message and its attachments from your computer system. We do not waive attorney-client or work product privilege by the transmission of this message.

State of Illinois - CONFIDENTIALITY NOTICE: The information contained in this communication is confidential, may be attorney-client privileged or attorney work product, may constitute inside information or internal deliberative staff communication, and is intended only for the use of the addressee. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify the sender immediately by return e-mail and destroy this communication and all copies thereof, including all attachments. Receipt by an unintended recipient does not waive attorney-client privilege, attorney work product privilege, or any other exemption from disclosure.

Lawler, Daniel

From: Lawler, Daniel
Sent: Thursday, September 19, 2019 1:33 PM
To: Senger, Karen; Hodge, Annette; Afeef, Junaid M.
Cc: Walsh, John P (John_Walsh@QuorumHealth.com); Smith, Marty (Marty_Smith@QuorumHealth.com)
Subject: RE: Update on MetroSouth Medical Center, Blue Island

Ms. Senger,

Yes, please set up a conference call with us on Monday at 12:30 pm. We appreciate the opportunity of speaking with you as soon as possible.

Dan Lawler

Daniel J. Lawler | Partner
Barnes & Thornburg LLP
One North Wacker Drive, Suite 4400
Chicago, IL 60606
Direct: 312-214-4861

Atlanta | Chicago | Dallas | Delaware | Indiana | Los Angeles | Michigan | Minneapolis | Ohio | Washington, D.C.

From: Senger, Karen [mailto:Karen.Senger@Illinois.gov]
Sent: Thursday, September 19, 2019 1:30 PM
To: Lawler, Daniel; Hodge, Annette; Afeef, Junaid M.
Cc: Walsh, John P (John_Walsh@QuorumHealth.com); Smith, Marty (Marty_Smith@QuorumHealth.com)
Subject: [EXTERNAL]RE: Update on MetroSouth Medical Center, Blue Island

Mr. Lawler

I received your emails and due to meetings the rest of this week, I am not available to address this matter until Monday at 12:30 PM. I can set up a conference call at that time

Karen Senger, RN, BSN
Division Chief
Division of Health Care Facilities and Programs
Illinois Department of Public Health
525 West Jefferson St., 4th Flr
Springfield, IL 62761
karen.senger@illinois.gov
P-217-782-0381 F-217-782-0382

From: Lawler, Daniel [mailto:Daniel.Lawler@btlaw.com]
Sent: Wednesday, September 18, 2019 11:43 AM
To: Senger, Karen <Karen.Senger@Illinois.gov>; Hodge, Annette <Annette.Hodge@Illinois.gov>
Cc: Walsh, John P (John_Walsh@QuorumHealth.com) <John_Walsh@QuorumHealth.com>; Smith, Marty

(Marty_Smith@QuorumHealth.com) <Marty_Smith@QuorumHealth.com>
Subject: [External] Update on MetroSouth Medical Center, Blue Island

Karen and Annette,

Confirming my telephone call with Annette, I had just spoken with John Walsh, CEO of MetroSouth, and he has advised me that the general surgery physician group at MetroSouth has given notice that, effective this Friday, Sept. 20, they are no longer taking consults through the emergency department or through inpatient.

John and I would like to speak with you as soon as possible. John and his CNO need to remain on site at Blue Island given what is transpiring now, and with the impact of the Univ. of Chicago Medical Center strike, but they will make themselves available for a call as soon as you are able.

Let us know a time that works for you. Thank you.

Dan

Daniel J. Lawler | Partner
Barnes & Thornburg LLP
One North Wacker Drive, Suite 4400
Chicago, IL 60606
Direct: 312-214-4861

Atlanta | Chicago | Dallas | Delaware | Indiana | Los Angeles | Michigan | Minneapolis | Ohio | Washington, D.C.

CONFIDENTIALITY NOTICE: This email and any attachments are for the exclusive and confidential use of the intended recipient. If you are not the intended recipient, please do not read, distribute or take action in reliance upon this message. If you have received this in error, please notify us immediately by return email and promptly delete this message and its attachments from your computer system. We do not waive attorney-client or work product privilege by the transmission of this message.

State of Illinois - CONFIDENTIALITY NOTICE: The information contained in this communication is confidential, may be attorney-client privileged or attorney work product, may constitute inside information or internal deliberative staff communication, and is intended only for the use of the addressee. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify the sender immediately by return e-mail and destroy this communication and all copies thereof, including all attachments. Receipt by an unintended recipient does not waive attorney-client privilege, attorney work product privilege, or any other exemption from disclosure.

Lawler, Daniel

Subject:	[EXTERNAL]Canceled: Metrosouth Hospital updates on operations
Location:	conference call 888-494-4032 access code 1039041384
Start:	Mon 9/23/2019 12:30 PM
End:	Mon 9/23/2019 1:30 PM
Show Time As:	Free
Recurrence:	(none)
Organizer:	Senger, Karen
Importance:	High

Need to reschedule later this week

State of Illinois - CONFIDENTIALITY NOTICE: The information contained in this communication is confidential, may be attorney-client privileged or attorney work product, may constitute inside information or internal deliberative staff communication, and is intended only for the use of the addressee. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify the sender immediately by return e-mail and destroy this communication and all copies thereof, including all attachments. Receipt by an unintended recipient does not waive attorney-client privilege, attorney work product privilege, or any other exemption from disclosure.

Lawler, Daniel

From: Lawler, Daniel
Sent: Monday, September 23, 2019 10:36 AM
To: Senger, Karen; Walsh, John P (John_Walsh@QuorumHealth.com); Smith, Marty (Marty_Smith@QuorumHealth.com); Afeef, Junaid M.; Hodge, Annette
Subject: RE: Metrosouth Hospital updates on operations

Ms. Senger,

This is to acknowledge your email cancelling the conference call this afternoon to discuss the status of operations at MetroSouth Medical Center, Blue Island, and advising that it needs to be rescheduled for later this week. Please let us know as soon as possible when you are available to discuss MetroSouth. We have an urgent need to coordinate with IDPH on the current and impending suspension of services lines. I'd like to briefly recap our efforts to do so.

Last Tuesday, shortly after IHFRSB deferred action on MetroSouth's discontinuation exemption application, I emailed you to advise of that action and also advised that the hospital was very close to having to close additional service lines, including Surgery and the Emergency Department and requested a conference call with you together with MetroSouth's CEO, John Walsh. The email bounced back with the message that you were out of the office and returning on Thursday, Sept. 19, and providing the contact information of Annette Hodge at IDPH if assistance were needed. I called Ms. Hodge on Wednesday morning and advised here that I, Mr. Walsh and the hospital's Chief Nursing Officer requested a meeting with you. Ms. Hodge returned my call later that morning and I advised here that the general surgery physician group at MetroSouth had given notice to Mr. Walsh that, effective Friday, Sept. 20, it was no longer taking consults through the emergency department or through inpatient. I advised you of that in an email on Wednesday morning and requested to speak with you, together with Mr. Walsh, as soon as possible and that we would make ourselves available as soon as you were able. On Thursday morning, Sept. 19, Ms. Hodge called me and advised she had spoken with you about MetroSouth and Ms. Hodge also said you would be sending me an email to arrange a call either for Thursday evening or Friday morning. You sent me an email early that afternoon stating that you had meetings the rest of the week and were not available to address MetroSouth until Monday, Sept. 23 at 12:30 pm and offered to set up a conference call at that time. I responded by email within minutes requesting that the conference call be set up and that we appreciated the opportunity of speaking with you as soon as possible. You sent out an Outlook invite shortly afterwards for a 12:30 pm conference call for Sept. 23. Our next communication from you was your email this morning cancelling the call today and advising that it needed to be rescheduled to later this week.

Please understand the desperate situation MetroSouth is in due to the IHFSRB's deferring of the hospital's discontinuation application and the above circumstances.

Daniel J. Lawler | Partner
Barnes & Thornburg LLP
One North Wacker Drive, Suite 4400
Chicago, IL 60606
Direct: 312-214-4861

BARNES & THORNBURG LLP

Atlanta | Chicago | Dallas | Delaware | Indiana | Los Angeles | Michigan | Minneapolis | Ohio | Washington, D.C.

-----Original Appointment-----
From: Senger, Karen [mailto:Karen.Senger@Illinois.gov]
Sent: Monday, September 23, 2019 9:52 AM
To: Lawler, Daniel; Walsh, John P (John_Walsh@QuorumHealth.com); Smith, Marty (Marty_Smith@QuorumHealth.com); Afeef, Junaid M.; Hodge, Annette
Subject: [EXTERNAL]Canceled: Metrosouth Hospital updates on operations
When: Monday, September 23, 2019 12:30 PM-1:30 PM (UTC-06:00) Central Time (US & Canada).
Where: conference call 888-494-4032 access code 1039041384
Importance: High

Need to reschedule later this week

State of Illinois - CONFIDENTIALITY NOTICE: The information contained in this communication is confidential, may be attorney-client privileged or attorney work product, may constitute inside information or internal deliberative staff communication, and is intended only for the use of the addressee. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify the sender immediately by return e-mail and destroy this communication and all copies thereof, including all attachments. Receipt by an unintended recipient does not waive attorney-client privilege, attorney work product privilege, or any other exemption from disclosure.