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HEALTH FACILITIES &
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**STATE OF ILLINOIS
HEALTH FACILITIES AND SERVICES REVIEW BOARD**

**IN RE:
LONG-TERM CARE ADVISORY SUBCOMMITTEE**

MEETING

JULY 10, 2012

NATIONWIDE SCHEDULING

OFFICES

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STATE OF ILLINOIS
HEALTH FACILITIES AND SERVICES REVIEW BOARD
525 West Jefferson Street, 2nd Floor
Springfield, Illinois 62761
217-782-3516

IN RE:
LONG-TERM CARE ADVISORY SUBCOMMITTEE

The meeting of the Long-Term Care Advisory
Subcommittee was held by teleconference on July 10,
2012, scheduled to begin at 10:00 a.m.

1 MEMBERS PRESENT:

- Michael Waxman, Chairman
2 Eli Pick, Vice-Chairman
Pat O'Dea-Evans
3 Phyllis Mitzen
Michael Waxman
4 Michael Scavotto
Timothy Phillippe
5 CeCe Credille
Dave Lowitzki
6 Neyna Johnson
Kelly Cunningham
7 Carolyn Handler
Teri Dederer

8

ALSO PRESENT

- 9 Frank Urso - HFSRB Legal Counsel
Claire Burman
10 Michael Constantino
George Roate
11 Bill Dart
Alexis Kendrick
12 Courtney Avery
Terry Sullivan
13 Greg Will
14 Mike Bibo
15 Jason Speaks

16

17 Court Reporter:

- 18 Jennifer L. Crowe, CSR
19 Illinois CSR #084-003786
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21 15 S. Old State Capitol Plaza
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AGENDA

CALL TO ORDER

1. Roll Call
2. Approval of Agenda
3. Approval of April 3rd and June 19th, 2012 Meeting Minutes
4. LTC CON Application Review
5. Next Meeting:
Tuesday, August 14th, 2012 Location TBA
6. Future Meetings:
Tuesday, October 9, 2012 Location TBA
Monday, December 3, 2012, Location TBA
7. Adjournment

1 START TIME: 10:09 a.m.

2 CHAIRMAN WAXMAN: Let's call roll. We

3 promised a short meeting.

4 MS. AVERY: Yes.

5 MS. KENDRICK: Okay. Mike Scavotto?

6 MR. SCAVOTTO: Here.

7 MS. KENDRICK: Tim Phillippe?

8 MR. PHILLIPPE: Here.

9 MS. KENDRICK: Michael Waxman?

10 CHAIRMAN WAXMAN: Here.

11 MS. KENDRICK: Pat O'Dea Evans?

12 MS. O'DEA EVANS: Here.

13 MS. KENDRICK: Kelly Cunningham?

14 MS. CUNNINGHAM: Here.

15 MS. KENDRICK: Eli Pick?

16 MR. PICK: Here.

17 MS. KENDRICK: CeCe Credille? Sorry.

18 MS. CREDILLE: Here.

19 MS. KENDRICK: Dave Lowitzki?

20 MR. LOWITZKI: Here.

21 MS. KENDRICK: Phyllis Mitzen?

22 MS. MITZEN: Here.

23 MS. KENDRICK: Are there any other members

24 here on the call?

1 MS. AVERY: Okay. So how many is that?

2 MS. KENDRICK: We have nine, nine members.

3 MS. AVERY: We need one more.

4 CHAIRMAN WAXMAN: Oh, no.

5 MS. AVERY: Is there anyone on that didn't
6 hear their name?

7 CHAIRMAN WAXMAN: We have nine committed
8 plus two people called me today that weren't on the
9 list. So we should have -- who committed that isn't
10 here yet?

11 UNIDENTIFIED: Carolyn I think you said,
12 Mike.

13 CHAIRMAN WAXMAN: Carolyn is here.

14 MS. AVERY: Where is Carolyn? Carolyn?

15 CHAIRMAN WAXMAN: I thought I heard her
16 say.

17 UNIDENTIFIED: Carolyn Handler?

18 CHAIRMAN WAXMAN: Yeah. What about Neyna?

19 MS. AVERY: Who just joined?

20 MS. JOHNSON: This is Neyna.

21 MS. AVERY: Hi, Neyna. We have ten. You
22 are our magic number.

23 MS. KENDRICK: Will you say your last name
24 for the court reporter?

1 MS. JOHNSON: Certainly. J-O-H-N-S-O-N.

2 My first name is N-E-Y-N-A. Sorry I'm late. I had
3 the wrong call-in number.

4 MS. AVERY: I sent you the wrong number?

5 MS. JOHNSON: Yes, you sent me three five
6 instead of three two, and I kept getting the apartment
7 complex. I just knew it was not you all so I needed
8 to keep trying.

9 MS. AVERY: One of those mornings. I'm
10 sorry.

11 MS. JOHNSON: Oh, that's all right.

12 CHAIRMAN WAXMAN: Okay. Well, we have
13 ten, so let's roll before we lose anybody.

14 So this is Mike. I want to thank -- this is
15 Mike Waxman. I want to thank everybody for calling
16 in. We totally appreciate it.

17 The first order of business --

18 MS. AVERY: Mr. Waxman, we just had
19 someone else join us.

20 MR. URSO: Frank Urso joined.

21 CHAIRMAN WAXMAN: Oh, you can't vote, but
22 glad to have you.

23 MR. URSO: We are official.

24 CHAIRMAN WAXMAN: We are official.

1 MR. URSO: I always knew you guys were
2 official.

3 CHAIRMAN WAXMAN: I need someone to
4 approve our agenda and a second.

5 MR. PICK: I will make a motion to approve
6 our agenda for today.

7 CHAIRMAN WAXMAN: Eli is making a motion.
8 I need a second.

9 MS. O'DEA EVANS: Second. Pat O'Dea
10 Evans.

11 MS. HANDLER: Carolyn Handler. I just got
12 on the call. Sorry I'm late.

13 CHAIRMAN WAXMAN: Thank you, Carolyn. We
14 have 11. We are in good shape.

15 We have a motion. We have a second. I need
16 all in favor.

17 (Ayes were heard.)

18 CHAIRMAN WAXMAN: Motion carries. Anybody
19 opposed?

20 (No response.)

21 UNIDENTIFIED: I heard all 11 names.

22 CHAIRMAN WAXMAN: Item 3, can we approve
23 -- hey, Frank, do we have to approve each set of
24 minutes separately, or can we approve them together?

1 MR. URSO: I didn't hear your question,
2 Mike. What is it?

3 CHAIRMAN WAXMAN: Can we approve both sets
4 of minutes as one motion, or do we have to separate
5 them?

6 MR. URSO: As long as you specify in the
7 motion what the dates are, okay?

8 CHAIRMAN WAXMAN: Okay. I need someone to
9 make a motion to approve the minutes of April 3rd and
10 June 19th, 2012.

11 MR. PICK: So moved.

12 MS. AVERY: Mr. Waxman, does everyone have
13 the June 19 minutes?

14 CHAIRMAN WAXMAN: I do not know that
15 answer.

16 UNIDENTIFIED: Does anyone not have that?

17 CHAIRMAN WAXMAN: Is anyone lacking the
18 June 19th minutes?

19 MS. AVERY: Okay.

20 UNIDENTIFIED: Mr. Waxman, can you specify
21 the dates so everybody knows what we are talking
22 about?

23 CHAIRMAN WAXMAN: Yes. The motion that
24 Mr. Pick has made is to approve the minutes of April

1 3rd and June 19th, both of 2012. I need a second for
2 that motion.

3 MR. PHILLIPPE: Second, Tim Phillippe.

4 CHAIRMAN WAXMAN: Okay. Mr. Pick made the
5 motion, Mr. Phillippe seconded it. All in favor?

6 (Ayes heard.)

7 CHAIRMAN WAXMAN: Anyone opposed?

8 (No response.)

9 CHAIRMAN WAXMAN: Motion carries. Thank
10 you.

11 Okay. The fourth item on the agenda is to
12 approve the revised CON application. I will try to
13 summarize what we're doing as quickly as I can.

14 The prior application was never written as a
15 nursing home application. It was written as a
16 hospital health care provider application.

17 Legislation was proposed and passed that we
18 should make a CON application specifically for nursing
19 homes. There was a subcommittee that Mike Scavotto
20 chaired. Several people participated.

21 Mike, thank you for your hard work, and CeCe
22 and Carolyn who participated, again, thank you, and
23 anyone else who contributed, thank you for your help.

24 This application complies with the rules and

1 policies as they currently are written. However, it
2 does tailor the application to a nursing home
3 provider. Our goal is to pass it as a recommendation
4 to the Mother Board so that they can then allow any
5 one who is currently applying to have an application
6 that is geared to a nursing home.

7 There are some discussions about things that
8 should be added or changed to the application process.
9 However, Claire has been very clear that they would
10 require rule changes, and we would then have to make
11 rule change proposals to the Mother Board. That is
12 certainly our next topic of discussion.

13 Today is to approve, as an interim step, the
14 application that is applicable to the -- thank you --
15 conforms to 1125.

16 So does anyone have any questions? If not,
17 can I have a motion to approve?

18 MS. JOHNSON: I have just a couple quick
19 questions.

20 CHAIRMAN WAXMAN: Go ahead, Phyllis.
21 I am sorry. I apologize.

22 MS. JOHNSON: This is Neyna.

23 CHAIRMAN WAXMAN: I apologize, Neyna.

24 MS. JOHNSON: I just got two quick

1 questions.

2 Is there a time frame when a project must be
3 started or finished after approval has been given
4 before they have to reapply?

5 CHAIRMAN WAXMAN: Mr. Constantino, would
6 you answer the question for her?

7 MR. CONSTANTINO: Neyna, we ask that the
8 applicant give us a completion date, and if they don't
9 meet that completion date, then they can come in for a
10 permit renewal.

11 MS. JOHNSON: Permit renewal?

12 MR. CONSTANTINO: Yes. Yeah.

13 MS. JOHNSON: Sorry.

14 MR. CONSTANTINO: And then we've allowed
15 unlimited permit renewals. There is no stated number
16 of permit renewals, so anyone can have from one to
17 however many they need.

18 MS. JOHNSON: Okay. No limit, then.

19 MS. MITZEN: This is Phyllis. How long do
20 they usually last?

21 MR. CONSTANTINO: We leave it up to the
22 permit holder to identify how, how long they need for
23 the permit renewal. Anything beyond two years we've
24 been taking to the board for approval.

1 MS. MITZEN: I guess that was my next
2 question. At what point do you say that has gone on
3 too long and we need to re-evaluate it?

4 MR. CONSTANTINO: Anything beyond two
5 years we take to the board for approval and more
6 discussion.

7 MS. JOHNSON: My second question, what
8 happens when there are several owners during the
9 application process and before the project is finished
10 they change owners?

11 Does this have to be disclosed, or does this
12 matter?

13 MR. CONSTANTINO: They have invalidated
14 the permit.

15 MS. JOHNSON: Sorry. I didn't hear you.

16 MR. CONSTANTINO: They invalidated the
17 permit, so they are done.

18 MS. JOHNSON: Oh, okay.

19 MR. CONSTANTINO: You can't change
20 ownership after a permit has been issued.

21 MS. JOHNSON: Okay. Okay. All right.
22 Thank you. That's all of the questions that I have.

23 CHAIRMAN WAXMAN: Anyone else have any
24 questions?

1 MS. CREDILLE: Yeah, this is CeCe. I do.
2 That is, it appears that organizationally I'm looking
3 at -- I don't know what was most currently sent on the
4 application that there were changes made there, but I
5 can't tell if changes were made from the summary from
6 Terry Sullivan. Is Mike Bibo on? Can he say whether
7 they were or weren't?

8 MR. PICK: I went through it last night
9 and did verify that those changes were made.

10 MR. SULLIVAN: This is Terry Sullivan. I
11 only saw two technical changes that were made.

12 MR. PICK: Oh. I went through it, and I
13 did see the reformatting.

14 MR. SULLIVAN: That's true.

15 MR. PICK: The elimination of the
16 financial information on the alternative, if they ask
17 the applicant for just information instead of
18 specific. I went item by item, and I did see -- I
19 thought I saw them all unless you can tell me what is
20 not there.

21 MR. SULLIVAN: On the financial -- this is
22 Terry Sullivan. On financial viability it still has a
23 reference to health care systems that includes one or
24 more hospitals. Is there a reason that was left in?

1 MS. AVERY: Claire, speak louder.

2 MS. BURMAN: Yes. Where was that on your
3 list of comments?

4 MR. SULLIVAN: That would have been
5 1125.800 B1, page 24 under financial viability.

6 MS. BURMAN: All right. Mike? I will
7 refer that to Mike.

8 CHAIRMAN WAXMAN: What sentence is it?

9 MS. AVERY: What sentence is it, Terry?
10 This is Courtney.

11 MR. SULLIVAN: On page 24 in the box
12 number 1 under financial viability, the paragraph
13 starts, the applicant or co-applicant that is
14 responsible for funding, the last sentence is if the
15 health care system includes one or more hospitals, the
16 system's viability ratio shall be evaluated for
17 conformance with the applicable hospital standards.

18 MS. AVERY: Okay.

19 MR. PICK: Missed that one.

20 CHAIRMAN WAXMAN: Okay.

21 MR. SULLIVAN: And actually the sentence
22 before also continues to talk about health care
23 systems, and I think that is more of a reference to
24 hospital systems than nursing home applications.

1 CHAIRMAN WAXMAN: You have language in
2 which --

3 MR. SULLIVAN: I just -- I recommended
4 that we delete those two sentences.

5 CHAIRMAN WAXMAN: Is staff okay with
6 Terry's recommendation?

7 MR. CONSTANTINO: I don't have a problem
8 with taking hospital out of there. In fact, I thought
9 we had.

10 The other thing, though, the other thing --

11 CHAIRMAN WAXMAN: So a motion?

12 MR. CONSTANTINO: Mike, on the other thing
13 regarding systems, however, we consider like
14 ManorCare, Manor Court who has a number of nursing
15 homes, we do consider that a system.

16 MR. SULLIVAN: Okay.

17 MR. CONSTANTINO: Petersen Health.
18 Petersen Health, we do consider them systems.

19 UNIDENTIFIED: You have got a bad
20 connection.

21 CHAIRMAN WAXMAN: I think the
22 recommendation --

23 MS. AVERY: If you are on a cell phone,
24 you are going to have to get to a land-based phone

1 because we cannot hear you.

2 MR. SCAVOTTO: This is Mike Scavotto.
3 Terry Sullivan, are we in good shape if we just change
4 hospital to nursing facility?

5 MR. SULLIVAN: Nursing home system
6 includes one or more nursing homes --

7 MR. SCAVOTTO: If the health care system
8 includes one --

9 MR. SULLIVAN: -- one or more nursing
10 homes, the system's viability ratio will be evaluated
11 for conformance with the applicable nursing home
12 standards. I don't know what that sentence means.

13 MR. SCAVOTTO: Well, it presumes there are
14 applicable nursing home standards.

15 MR. CONSTANTINO: Yeah, those standards
16 are in the 1125 rules.

17 MR. SULLIVAN: Okay.

18 MR. CONSTANTINO: I can give you a perfect
19 example. ManorCare was in here with an application
20 this month or two months ago, and that is how it was
21 presented to us then. In fact, in fact, it was
22 internally funded which we honored even though that
23 was not in the long-term care application. We used
24 part of the hospital application to honor ManorCare's

1 submittal of internal funding.

2 So in some instances, some of this hospital
3 stuff does flow over to the long-term care industry
4 that you guys want. For example, you wanted a waiver
5 on financial viability, okay? Most of these long-term
6 care projects are all debt funded. Very little equity
7 is involved.

8 But in this case with ManorCare there was an
9 internal funding, and they had the resources. So we
10 honored that even though it was not in the application
11 at the time. It was not applicable to hospitals or to
12 long-term care facilities.

13 MS. AVERY: So Mike, what would be -- this
14 is Courtney -- an acceptable replacement? Is it one
15 or more hospitals or one or more long-term care
16 facilities?

17 MR. CONSTANTINO: One or more long-term
18 care facilities.

19 MS. AVERY: Not nursing homes but
20 long-term care facilities?

21 MR. CONSTANTINO: Yep, that's fine.

22 CHAIRMAN WAXMAN: This is Mike Waxman.

23 Are there any other changes?

24 MR. SULLIVAN: Can I ask -- this is Terry

1 Sullivan. Can I ask Michael if, for Appendix A, why
2 we are keeping clinical and nonclinical divisions for
3 project costs and source of funds?

4 MR. CONSTANTINO: Terry, it is in the --

5 MR. SULLIVAN: Is that a relevant
6 question?

7 MR. CONSTANTINO: It is in the statute.

8 MR. SULLIVAN: Okay.

9 MR. CONSTANTINO: We can't review
10 nonclinical services.

11 MR. SCAVOTTO: This is Mike Scavotto.
12 Terry, this is a longstanding topic of debate on this
13 application, and the way, the way I understand it is
14 that the staff is asking for an application, that they
15 need it now, and we can address these things like
16 clinical and nonclinical in a rule change in the
17 future.

18 And for long-term care, the clinical and
19 nonclinical doesn't make a whole lot of sense, I will
20 be the first one to admit. That's been on our list of
21 discussion points. There are several. Physician
22 referral information is another one, hospital referral
23 information. It is just not working. Why do we have
24 to get that stuff? So I would say that the work of

1 the subcommittee is far from over at this point.

2 CHAIRMAN WAXMAN: This is Mike Waxman. I
3 totally agree with Mike's summation. That is our goal
4 is to get this application approved and then go back
5 and let the subcommittee bring these other issues to
6 the full committee.

7 MR. PHILLIPPE: This is Tim. I second the
8 motion. We have a motion already proposed.

9 CHAIRMAN WAXMAN: We have a motion to
10 accept it with one change to nursing home facilities,
11 long-term care facilities, and we now have a second.
12 All in favor?

13 (Ayes heard.)

14 CHAIRMAN WAXMAN: Any opposed?

15 (No response.)

16 CHAIRMAN WAXMAN: Motion carries. Thank
17 you all very, very much.

18 Moving onto the fifth item on the agenda, our
19 next meeting is scheduled for Tuesday, August 14th.
20 Is that still a good date for people?

21 MS. O'DEA-EVANS: This is Pat O'Dea Evans.
22 I would be out of town on that day.

23 MS. MITZEN: Yes, I believe I will be out
24 of town that day, too. This is Phyllis.

1 CHAIRMAN WAXMAN: Where are you guys
2 going?

3 MS. MITZEN: Michigan.

4 CHAIRMAN WAXMAN: Pat, where are you
5 going?

6 MS. O'DEA EVANS: San Diego.

7 CHAIRMAN WAXMAN: I'd rather go to San
8 Diego than Michigan.

9 How is the date for everybody else?

10 UNIDENTIFIED: Good.

11 UNIDENTIFIED: Works for me.

12 CHAIRMAN WAXMAN: Courtney, you got a
13 place?

14 MS. AVERY: Not yet. It will probably be
15 in a similar location.

16 CHAIRMAN WAXMAN: Not as the last meeting
17 I hope.

18 MS. AVERY: No. No, that was free space.

19 CHAIRMAN WAXMAN: You know the old saying
20 you get what you pay for.

21 MR. SCAVOTTO: Will there be a telephone
22 video hook-up from Springfield?

23 Would there be telephone video capability from
24 Springfield?

1 MS. AVERY: We will work on it. I know
2 this has been difficult, so I can manage a full
3 meeting will be even more difficult. So those that
4 can make it, we ask for consistency and an easy going
5 meeting that maybe the majority meet in person. At
6 least have a quorum in person. So we will work on it.

7 CHAIRMAN WAXMAN: We will stick with the
8 meeting, next meeting August 14th. Does that -- that
9 doesn't need any -- that's just conversation. And
10 also the next two meeting dates are also there for
11 your information, October 8th and -- October 9th and
12 December 3rd. October 9th and December 3rd.

13 The only other thing I know is that Courtney
14 shared with me that we did have one more member resign
15 from the committee. Courtney, remind me who that was.

16 MS. AVERY: AARP, Laurinda Dodgen.

17 CHAIRMAN WAXMAN: I don't know they ever
18 attended, did they?

19 MS. AVERY: Couple of times.

20 CHAIRMAN WAXMAN: Okay. So we are working
21 on a process to bring the committee back to 19, but
22 right now we are down three, I believe.

23 MS. AVERY: I did ask them -- this is
24 Courtney again. I asked them if they wanted someone

1 else to participate, and at this time they do not.

2 MR. PICK: This is Eli. Where are we at
3 in recalculating the number of seats so that we don't
4 have to work so hard to get a quorum?

5 MS. AVERY: Well, at the August meeting we
6 will have the suggestion for the, I think we said
7 three-fifths or something or a third.

8 CHAIRMAN WAXMAN: You will have a bylaw
9 revisions at that meeting, correct?

10 MS. AVERY: Correct.

11 CHAIRMAN WAXMAN: Bylaw revisions.

12 MS. AVERY: Correct.

13 CHAIRMAN WAXMAN: Okay.

14 MS. JOHNSON: This is Neyna. Did you say
15 October 8th? I have on my calendar October 9th.

16 CHAIRMAN WAXMAN: I said the 8th because I
17 didn't have my glasses on. It is October 9th with my
18 glasses.

19 MS. JOHNSON: Okay. Just wanted to check.
20 I knew Monday was a state holiday.

21 MS. AVERY: Oh, Columbus Day.

22 MS. JOHNSON: If they don't take that away
23 from us.

24 MR. URSO: This is Frank Urso.

1 Mr. Chairman, just want to let you know that I am
2 working on the bylaw revisions.

3 CHAIRMAN WAXMAN: Okay.

4 MR. URSO: According to the bylaws, just
5 to reiterate, we need a three-fifths majority vote of
6 the subcommittee to revise or amend any of the bylaws.

7 CHAIRMAN WAXMAN: So we need approximately
8 12 votes.

9 MR. URSO: Yes.

10 CHAIRMAN WAXMAN: Okay.

11 MR. PICK: This is Eli. How many active
12 members do we have now, official members do we have?

13 MS. AVERY: Well, we have three vacancies
14 now. So we would need everyone with a voice vote.

15 MR. PICK: So we have 16 positions, three
16 are vacant.

17 CHAIRMAN WAXMAN: No, we have 19, three
18 are vacancies. So we have 16 members.

19 MR. PICK: Okay.

20 MS. KENDRICK: Pat and Phyllis will be
21 out, so we have got 14 people to pull from.

22 MS. AVERY: And we probably really will be
23 down to one more with Clint Taylor. I have not been
24 able to connect with him to ask him to either appoint

1 someone else or give up the seat.

2 CHAIRMAN WAXMAN: Where is Mr. Taylor
3 from?

4 MS. AVERY: Laborers' Union. I think it
5 is maybe Springfield. I am not sure.

6 CHAIRMAN WAXMAN: Okay.

7 MR. PICK: Giving up the seat doesn't help
8 us because it means it is one less person to vote.

9 MS. AVERY: Yeah, but we can get someone
10 in there to become active.

11 MR. PICK: Okay.

12 MS. AVERY: But we need him to resign a
13 seat first.

14 MR. PICK: Got ya. Can we replace the
15 AARP seat?

16 MS. AVERY: Yes. We will have to figure
17 that out with you and Mr. Waxman since they do not
18 want representation on the subcommittee.

19 MR. PICK: This is Eli. We have to refill
20 those seats in order to have enough of a pool to draw
21 from until we make whatever changes that need to get
22 done.

23 CHAIRMAN WAXMAN: Anything else before I
24 seek a motion to adjourn?

1 MR. PICK: I move we adjourn the meeting.

2 CHAIRMAN WAXMAN: I need a second.

3 MR. SCAVOTTO: Mike Scavotto, second.

4 MS. JOHNSON: Second, CeCe.

5 CHAIRMAN WAXMAN: CeCe made the second.

6 All in favor?

7 (Ayes heard.)

8 CHAIRMAN WAXMAN: Any opposed?

9 (No response.)

10 CHAIRMAN WAXMAN: Motion carries.

11 Again, I certainly want to thank everybody for
12 finding time to get on the phone call so we can get
13 this application forwarded to the Mother Board so we
14 can get some homes into right place.

15

16 END TIME: 10:34 a.m.

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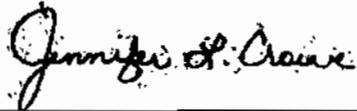
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CERTIFICATE OF REPORTER

I, JENNIFER L. CROWE, a Certified Shorthand Reporter and Notary Public within and for the State of Illinois, do hereby certify that the foregoing proceeding was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this proceeding was taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.



Notary Public in and for

A	12:23 Anything 11:23 12:4 24:23 apartment 6:6 apologize 10:21 10:23 appears 13:2 Appendix 18:1 applicable 10:14 14:17 16:11,14 17:11 applicant 11:8 13:17 14:13 application 3:8 9:12,14,15,16 9:18,24 10:2,5 10:8,14 12:9 13:4 16:19,23 16:24 17:10 18:13,14 19:4 25:13 applications 14:24 applying 10:5 appoint 23:24 appreciate 6:16 approval 3:5,6 11:3,24 12:5 approve 7:4,5,22 7:23,24 8:3,9 8:24 9:12 10:13,17 approved 19:4 approximately 23:7 April 3:6 8:9,24 asked 21:24 asking 18:14 attended 21:18 attorney 26:11 August 3:10 19:19 21:8 22:5 Avery 2:12 4:4 5:1,3,5,14,19 5:21 6:4,9,18 8:12,19 14:1,9	14:18 15:23 17:13,19 20:14 20:18 21:1,16 21:19,23 22:5 22:10,12,21 23:13,22 24:4 24:9,12,16 away 22:22 Ayes 7:17 9:6 19:13 25:7 a.m 1:18 4:1 25:16	B	back 19:4 21:21 bad 15:19 become 24:10 before 6:13 11:4 12:9 14:22 24:23 begin 1:18 believe 19:23 21:22 best 26:6 beyond 11:23 12:4 Bibo 2:14 13:6 Bill 2:11 board 1:2 10:4 10:11 11:24 12:5 25:13 both 8:3 9:1 box 14:11 bring 19:5 21:21 Burman 2:9 14:2,6 business 6:17 bylaw 22:8,11 23:2 bylaws 23:4,6 B1 14:5	calling 6:15 call-in 6:3 capability 20:23 Capitol 2:21 care 1:11,16 9:16 13:23 14:15,22 16:7 16:23 17:3,6 17:12,15,18,20 18:18 19:11 cares 9:9 Carolyn 2:7 5:11,13,14,14 5:17 7:11,13 9:22 carries 7:18 19:16 25:10 case 17:8 CeCe 2:5 4:17 9:21 13:1 25:4 25:5 cell 15:23 certainly 6:1 10:12 25:11 CERTIFICATE 26:1 Certified 26:3 certify 26:5 chaired 9:20 Chairman 2:1 4:2,10 5:4,7,13 5:15,18 6:12 6:21,24 7:3,7 7:13,18,22 8:3 8:8,14,17,23 9:4,7,9 10:20 10:23 11:5 12:23 14:8,20 15:1,5,11,21 17:22 19:2,9 19:14,16 20:1 20:4,7,12,16 20:19 21:7,17 21:20 22:8,11 22:13,16 23:1 23:3,7,10,17 24:2,6,23 25:2	25:5,8,10 change 10:11 12:10,19 16:3 18:16 19:10 changed 10:8 changes 10:10 13:4,5,9,11 17:23 24:21 check 22:19 Claire 2:9 10:9 14:1 clear 10:9 clinical 18:2,16 18:18 Clint 23:23 Columbus 22:21 come 11:9 comments 14:3 committed 5:7,9 committee 19:6 21:15,21 completion 11:8 11:9 complex 6:7 complies 9:24 CON 3:8 9:12,18 conformance 14:17 16:11 conforms 10:15 connect 23:24 connection 15:20 consider 15:13 15:15,18 consistency 21:4 Constantino 2:10 11:5,7,12 11:14,21 12:4 12:13,16,19 15:7,12,17 16:15,18 17:17 17:21 18:4,7,9 continues 14:22 contributed 9:23 conversation 21:9 correct 22:9,10
		C	calendar 22:15 call 3:3,4 4:2,24 7:12 25:12 called 5:8			

22:12 costs 18:3 counsel 2:9 26:8 26:11 couple 10:18 21:19 court 2:17 5:24 15:14 Courtney 2:12 14:10 17:14 20:12 21:13,15 21:24 co-applicant 14:13 Credille 2:5 4:17 4:18 13:1 Crowe 2:18 26:3 CSR 2:18,19 Cunningham 2:6 4:13,14 currently 10:1,5 13:3	doing 9:13 done 12:17 24:22 down 21:22 23:23 draw 24:20 during 12:8	favor 7:16 9:5 19:12 25:6 fifth 19:18 figure 24:16 financial 13:16 13:21,22 14:5 14:12 17:5 financially 26:12 finding 25:12 fine 17:21 finished 11:3 12:9 first 6:2,17 18:20 24:13 five 6:5 Floor 1:3 flow 17:3 foregoing 26:5 forwarded 25:13 fourth 9:11 frame 11:2 Frank 2:9 6:20 7:23 22:24 free 20:18 from 11:16 13:5 13:5 19:1 20:22,23 21:15 22:23 23:21 24:3,21 full 19:6 21:2 funded 16:22 17:6 funding 14:14 17:1,9 funds 18:3 further 26:10 future 3:11 18:17	given 11:3 Giving 24:7 glad 6:22 glasses 22:17,18 go 10:20 19:4 20:7 goal 10:3 19:3 going 15:24 20:2 20:5 21:4 gone 12:2 good 7:14 16:3 19:20 20:10 Greg 2:13 guess 12:1 guys 7:1 17:4 20:1	honor 16:24 honored 16:22 17:10 hook-up 20:22 hope 20:17 hospital 9:16 14:17,24 15:8 16:4,24 17:2 18:22 hospitals 13:24 14:15 17:11,15
<hr/> D <hr/>	<hr/> E <hr/>	<hr/> G <hr/>	<hr/> H <hr/>	<hr/> I <hr/>
Dart 2:11 date 11:8,9 19:20 20:9 dates 8:7,21 21:10 Dave 2:5 4:19 day 19:22,24 22:21 debate 18:12 debt 17:6 December 3:13 21:12,12 Dederer 2:7 delete 15:4 Diego 20:6,8 difficult 21:2,3 direction 26:8 disclosed 12:11 discussion 10:12 12:6 18:21 discussions 10:7 divisions 18:2 Dodgen 21:16	each 7:23 easy 21:4 either 23:24 Eli 2:2 4:15 7:7 22:2 23:11 24:19 elimination 13:15 employed 26:9 26:12 employee 26:11 END 25:16 enough 24:20 equity 17:6 evaluated 14:16 16:10 Evans 4:11,12 7:9,10 19:21 20:6 even 16:22 17:10 21:3 ever 21:17 everybody 6:15 8:21 20:9 25:11 everyone 8:12 23:14 example 16:19 17:4	geared 10:6 George 2:10 getting 6:6 give 11:8 16:18 24:1	Handler 2:7 5:17 7:11,11 happens 12:8 hard 9:21 22:4 health 1:2 9:16 13:23 14:15,22 15:17,18 16:7 hear 5:6 8:1 12:15 16:1 heard 5:15 7:17 7:21 9:6 19:13 25:7 held 1:17 help 9:23 24:7 her 5:15 11:6 hey 7:23 HFSRB 2:9 Hi 5:21 him 23:24,24 24:12 holder 11:22 holiday 22:20 home 9:15 10:2 10:6 14:24 16:5,11,14 19:10 homes 9:19 15:15 16:6,10 17:19 25:14	identify 11:22 Illinois 1:1,4 2:19,22 26:5 includes 13:23 14:15 16:6,8 industry 17:3 information 13:16,17 18:22 18:23 21:11 instances 17:2 instead 6:6 13:17 interested 26:13 interim 10:13 internal 17:1,9 internally 16:22 invalidated 12:13,16 involved 17:7 issued 12:20 issues 19:5 item 7:22 9:11 13:18,18 19:18
	<hr/> F <hr/>	<hr/> J <hr/>		
	facilities 1:2 17:12,16,18,20 19:10,11 facility 16:4 fact 15:8 16:21 16:21 far 19:1	Jason 2:15 Jefferson 1:3 Jennifer 2:18 26:3 Johnson 2:6 5:20 6:1,5,11 10:18,22,24 11:11,13,18 12:7,15,18,21		

22:14,19,22 25:4 join 6:19 joined 5:19 6:20 July 1:17 June 3:6 8:10,13 8:18 9:1 just 5:19 6:7,18 7:11 10:18,24 13:17 15:3 16:3 18:23 21:9 22:19 23:1,4 J-O-H-N-S-O-N 6:1	leave 11:21 left 13:24 Legal 2:9 Legislation 9:17 less 24:8 let 19:5 23:1 let's 4:2 6:13 like 15:13 18:15 limit 11:18 list 5:9 14:3 18:20 Litigation 2:20 little 17:6 location 3:10,12 3:13 20:15 long 8:6 11:19 11:22 12:3 longstanding 18:12 long-term 1:11 1:16 16:23 17:3,5,12,15 17:17,20 18:18 19:11 looking 13:2 lose 6:13 lot 18:19 louder 14:1 Lowitzki 2:5 4:19,20 LTC 3:8	15:14 16:19 17:8 ManorCare's 16:24 many 5:1 11:17 23:11 matter 12:12 maybe 21:5 24:5 means 16:12 24:8 meet 11:9 21:5 meeting 1:16 3:7 3:9 4:3 19:19 20:16 21:3,5,8 21:8,10 22:5,9 25:1 Meetings 3:11 member 21:14 members 2:1 4:23 5:2 23:12 23:12,18 Michael 2:1,3,4 2:10 4:9 18:1 Michigan 20:3,8 Midwest 2:20 Mike 2:14 4:5 5:12 6:14,15 8:2 9:19,21 13:6 14:6,7 15:12 16:2 17:13,22 18:11 19:2 25:3 Mike's 19:3 minutes 3:7 7:24 8:4,9,13,18,24 Missed 14:19 Mitzen 2:3 4:21 4:22 11:19 12:1 19:23 20:3 Monday 3:13 22:20 month 16:20 months 16:20 more 5:3 12:5 13:24 14:15,23 16:6,9 17:15	17:15,17 21:3 21:14 23:23 mornings 6:9 most 13:3 17:5 Mother 10:4,11 25:13 motion 7:5,7,15 7:18 8:4,7,9,23 9:2,5,9 10:17 15:11 19:8,8,9 19:16 24:24 25:10 move 25:1 moved 8:11 Moving 19:18 much 19:17 must 11:2	10:2,6 14:24 15:14 16:4,5,6 16:9,11,14 17:19 19:10 N-E-Y-N-A 6:2
K	M	N	O	
keep 6:8 keeping 18:2 Kelly 2:6 4:13 Kendrick 2:11 4:5,7,9,11,13 4:15,17,19,21 4:23 5:2,23 23:20 kept 6:6 knew 6:7 7:1 22:20 know 8:14 13:3 16:12 20:19 21:1,13,17 23:1 knows 8:21	made 8:24 9:4 13:4,5,9,11 25:5 magic 5:22 majority 21:5 23:5 make 7:5 8:9 9:18 10:10 18:19 21:4 24:21 making 7:7 manage 21:2 Manor 15:14 ManorCare	name 5:6,23 6:2 names 7:21 need 5:3 7:3,8 7:15 8:8 9:1 11:17,22 12:3 18:15 21:9 23:5,7,14 24:12,21 25:2 needed 6:7 neither 26:8 never 9:14 next 3:9 10:12 12:1 19:19 21:8,10 Neyna 2:6 5:18 5:20,21 10:22 10:23 11:7 22:14 night 13:8 nine 5:2,2,7 nonclinical 18:2 18:10,16,19 Notary 26:4,17 number 5:22 6:3 6:4 11:15 14:12 15:14 22:3 nursing 9:15,18	October 3:12 21:11,11,12 22:15,15,17 official 6:23,24 7:2 23:12 Oh 5:4 6:11,21 12:18 13:12 22:21 okay 4:5 5:1 6:12 8:7,8,19 9:4,11 11:18 12:18,21,21 14:18,20 15:5 15:16 16:17 17:5 18:8 21:20 22:13,19 23:3,10,19 24:6,11 old 2:21 20:19 one 5:3 6:9 8:4 10:5 11:16 13:23 14:15,19 16:6,8,9 17:14 17:15,17 18:20 18:22 19:10 21:14 23:23 24:8 only 13:11 21:13 onto 19:18 opposed 7:19 9:7 19:14 25:8 order 3:3 6:17 24:20 organizationally 13:2 other 4:23 15:10 15:10,12 17:23 19:5 21:13 otherwise 26:13 out 15:8 19:22	

19:23 23:21 24:17 outcome 26:13 over 17:3 19:1 owners 12:8,10 ownership 12:20 O'Dea 4:11,12 7:9,9 19:21 20:6 O'Dea-Evans 2:2 19:21	7:5 8:11,24 9:4 13:8,12,15 14:19 22:2 23:11,15,19 24:7,11,14,19 25:1 place 20:13 25:14 Plaza 2:21 plus 5:8 point 12:2 19:1 points 18:21 policies 10:1 pool 24:20 positions 23:15 PRESENT 2:1,8 presented 16:21 presumes 16:13 prior 9:14 probably 20:14 23:22 problem 15:7 proceeding 26:6 26:10 process 10:8 12:9 21:21 project 11:2 12:9 18:3 projects 17:6 promised 4:3 proposals 10:11 proposed 9:17 19:8 provider 9:16 10:3 Public 26:4,17 pull 23:21	quorum 21:6 22:4 <hr/> R <hr/> rather 20:7 ratio 14:16 16:10 RE 1:10 really 23:22 reapply 11:4 reason 13:24 recalculating 22:3 recommendati... 10:3 15:6,22 recommended 15:3 reduced 26:7 refer 14:7 reference 13:23 14:23 referral 18:22 18:22 refill 24:19 reformatting 13:13 regarding 15:13 reiterate 23:5 related 26:8 relative 26:11 relevant 18:5 remind 21:15 renewal 11:10 11:11,23 renewals 11:15 11:16 replace 24:14 replacement 17:14 reporter 2:17 5:24 26:1,4 representation 24:18 require 10:10 resign 21:14 24:12 resources 17:9	response 7:20 9:8 19:15 25:9 responsible 14:14 review 1:2 3:8 18:9 revise 23:6 revised 9:12 revisions 22:9 22:11 23:2 re-evaluate 12:3 right 6:11 12:21 14:6 21:22 25:14 Roate 2:10 roll 3:4 4:2 6:13 rule 10:10,11 18:16 rules 9:24 16:16 <hr/> S <hr/> S 2:21 San 20:6,7 saw 13:11,19 saying 20:19 Scavotto 2:4 4:5 4:6 9:19 16:2,2 16:7,13 18:11 18:11 20:21 25:3,3 scheduled 1:18 19:19 seat 24:1,7,13,15 seats 22:3 24:20 second 7:4,8,9 7:15 9:1,3 12:7 19:7,11 25:2,3 25:4,5 seconded 9:5 see 13:13,18 seek 24:24 sense 18:19 sent 6:4,5 13:3 sentence 14:8,9 14:14,21 16:12 sentences 15:4 separate 8:4	separately 7:24 services 1:2 2:20 18:10 set 7:23 sets 8:3 several 9:20 12:8 18:21 shape 7:14 16:3 shared 21:14 short 4:3 Shorthand 26:3 similar 20:15 since 24:17 some 10:7 17:2,2 25:14 someone 6:19 7:3 8:8 21:24 24:1,9 something 22:7 sorry 4:17 6:2 6:10 7:12 10:21 11:13 12:15 source 18:3 space 20:18 speak 14:1 Speaks 2:15 specific 13:18 specifically 9:18 specify 8:6,20 Springfield 1:4 2:22 20:22,24 24:5 staff 15:5 18:14 standards 14:17 16:12,14,15 START 4:1 started 11:3 starts 14:13 state 1:1 2:21 22:20 26:4 stated 11:15 statute 18:7 step 10:13 stick 21:7 still 13:22 19:20 Street 1:3
<hr/> P <hr/> page 14:5,11 paragraph 14:12 part 16:24 participate 22:1 participated 9:20,22 parties 26:9,12 pass 10:3 passed 9:17 Pat 2:2 4:11 7:9 19:21 20:4 23:20 pay 20:20 people 5:8 9:20 19:20 23:21 perfect 16:18 permit 11:10,11 11:15,16,22,23 12:14,17,20 person 21:5,6 24:8 Petersen 15:17 15:18 Phillippe 2:4 4:7 4:8 9:3,3,5 19:7 phone 15:23,24 25:12 Phyllis 2:3 4:21 10:20 11:19 19:24 23:20 Physician 18:21 Pick 2:2 4:15,16	<hr/> Q <hr/> question 8:1 11:6 12:2,7 18:6 questions 10:16 10:19 11:1 12:22,24 quick 10:18,24 quickly 9:13			

<p>stuff 17:3 18:24</p> <p>subcommittee 1:11,17 9:19 19:1,5 23:6 24:18</p> <p>submittal 17:1</p> <p>suggestion 22:6</p> <p>Sullivan 2:12 13:6,10,10,14 13:21,22 14:4 14:11,21 15:3 15:16 16:3,5,9 16:17 17:24 18:1,5,8</p> <p>summarize 9:13</p> <p>summary 13:5</p> <p>summation 19:3</p> <p>sure 24:5</p> <p>system 14:15 15:15 16:5,7</p> <p>systems 13:23 14:23,24 15:13 15:18</p> <p>system's 14:16 16:10</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>tailor 10:2</p> <p>take 12:5 22:22</p> <p>taken 26:6,10</p> <p>taking 11:24 15:8</p> <p>talk 14:22</p> <p>talking 8:21</p> <p>Taylor 23:23 24:2</p> <p>TBA 3:10,12,13</p> <p>technical 13:11</p> <p>teleconference 1:17</p> <p>telephone 20:21 20:23</p> <p>tell 13:5,19</p> <p>ten 5:21 6:13</p> <p>Teri 2:7</p> <p>Terry 2:12 13:6 13:10,22 14:9</p>	<p>16:3 17:24 18:4,12</p> <p>Terry's 15:6</p> <p>thank 6:14,15 7:13 9:9,21,22 9:23 10:14 12:22 19:16 25:11</p> <p>their 5:6</p> <p>thereto 26:12</p> <p>thing 15:10,10 15:12 21:13</p> <p>things 10:7 18:15</p> <p>think 5:11 14:23 15:21 22:6 24:4</p> <p>third 22:7</p> <p>though 15:10 16:22 17:10</p> <p>thought 5:15 13:19 15:8</p> <p>three 6:5,6 21:22 23:13,15,17</p> <p>three-fifths 22:7 23:5</p> <p>through 13:8,12</p> <p>Tim 4:7 9:3 19:7</p> <p>time 4:1 11:2 17:11 22:1 25:12,16</p> <p>times 21:19</p> <p>Timothy 2:4</p> <p>today 5:8 7:6 10:13</p> <p>together 7:24</p> <p>topic 10:12 18:12</p> <p>totally 6:16 19:3</p> <p>town 19:22,24</p> <p>true 13:14</p> <p>try 9:12</p> <p>trying 6:8</p> <p>Tuesday 3:10,12 19:19</p> <p>two 5:8 6:6 10:24 11:23</p>	<p>12:4 13:11 15:4 16:20 21:10</p> <p>typewriting 26:7</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>under 14:5,12 26:7</p> <p>understand 18:13</p> <p>UNIDENTIFI... 5:11,17 7:21 8:16,20 15:19 20:10,11</p> <p>Union 24:4</p> <p>unless 13:19</p> <p>unlimited 11:15</p> <p>until 24:21</p> <p>Urso 2:9 6:20,20 6:23 7:1 8:1,6 22:24,24 23:4 23:9</p> <p>used 16:23</p> <p>usually 11:20</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>vacancies 23:13 23:18</p> <p>vacant 23:16</p> <p>verify 13:9</p> <p>very 10:9 17:6 19:17,17</p> <p>viability 13:22 14:5,12,16 16:10 17:5</p> <p>Vice-Chairman 2:2</p> <p>video 20:22,23</p> <p>voice 23:14</p> <p>vote 6:21 23:5 23:14 24:8</p> <p>votes 23:8</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>waiver 17:4</p> <p>want 6:14,15 17:4 23:1</p>	<p>24:18 25:11</p> <p>wanted 17:4 21:24 22:19</p> <p>Waxman 2:1,3 4:2,9,10 5:4,7 5:13,15,18 6:12,15,18,21 6:24 7:3,7,13 7:18,22 8:3,8 8:12,14,17,20 8:23 9:4,7,9 10:20,23 11:5 12:23 14:8,20 15:1,5,11,21 17:22,22 19:2 19:2,9,14,16 20:1,4,7,12,16 20:19 21:7,17 21:20 22:8,11 22:13,16 23:3 23:7,10,17 24:2,6,17,23 25:2,5,8,10</p> <p>way 18:13,13</p> <p>Well 6:12 16:13 22:5 23:13</p> <p>went 13:8,12,18</p> <p>were 7:1,17 13:4 13:5,7,9,11</p> <p>weren't 5:8 13:7</p> <p>West 1:3</p> <p>we're 9:13</p> <p>we've 11:14,23</p> <p>whole 18:19</p> <p>work 9:21 18:24 21:1,6 22:4</p> <p>working 18:23 21:20 23:2</p> <p>Works 20:11</p> <p>written 9:14,15 10:1</p> <p>wrong 6:3,4</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>ya 24:14</p> <p>Yeah 5:18 11:12 13:1 16:15</p>	<p>24:9</p> <p>years 11:23 12:5</p> <p>Yep 17:21</p> <hr/> <p style="text-align: center;">#</p> <hr/> <p>#084-003786 2:19</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>1 3:4 14:12</p> <p>1-800-280-3376 2:24</p> <p>10 1:17</p> <p>10:00 1:18</p> <p>10:09 4:1</p> <p>10:34 25:16</p> <p>11 7:14,21</p> <p>1125 10:15 16:16</p> <p>1125.800 14:5</p> <p>12 23:8</p> <p>14 23:21</p> <p>14th 3:10 19:19 21:8</p> <p>15 2:21</p> <p>16 23:15,18</p> <p>19 8:13 21:21 23:17</p> <p>19th 3:6 8:10,18 9:1</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2 3:5</p> <p>2nd 1:3</p> <p>2012 1:18 3:6,10 3:12,13 8:10 9:1</p> <p>217-522-2211 2:23</p> <p>217-782-3516 1:5</p> <p>24 14:5,11</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>3 3:6,13 7:22</p> <p>3rd 3:6 8:9 9:1 21:12,12</p>
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<hr/> 4 <hr/> 4 3:8 <hr/>				
<hr/> 5 <hr/> 5 3:9 525 1:3 <hr/>				
<hr/> 6 <hr/> 6 3:11 62701 2:22 62761 1:4 <hr/>				
<hr/> 7 <hr/> 7 3:14 <hr/>				
<hr/> 8 <hr/> 8th 21:11 22:15 22:16 <hr/>				
<hr/> 9 <hr/> 9 3:12 9th 21:11,12 22:15,17 <hr/>				