



STATE OF ILLINOIS
HEALTH FACILITIES AND SERVICES REVIEW BOARD

525 WEST JEFFERSON ST. • SPRINGFIELD, ILLINOIS 62761 • (217) 782-3516 • FAX: (217) 785-4111

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HEALTH FACILITIES &
SERVICES REVIEW BOARD

MEMORANDUM

TO: Mike Constantino, Chief - Program Review Section
Division of Health Systems Development

FROM: Dale Galassie, Chairman
Illinois Health Facilities and Services Review Board

RE: Permit Renewal Request for Project # 10-033

Facility: Fresenius Medical Care Elmhurst (f/k/a RCG Villa Park), Elmhurst

This is to advise you that I have reviewed the above-captioned permit renewal request within the requirements in 77 IAC 1130.740 and have determined the following:

The request is in compliance with the requirements in 77 IAC 1130.740 and the renewal request is approved.

This request is to be reviewed by the Health Facilities Planning Board.

This request is DENIED effective _____ because it does NOT comply with the requirements specified in 77 IAC 1130.740.

Other actions as follows:

Dale Galassie, Chairman
Illinois Health Facilities and
Services Review Board

11-19-12

Date



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| | | |
|--|-----------------------------|----------------------------------|
| DOCKET ITEM: NA | BOARD MEETING: NA | PROJECT NUMBER: 10-033 |
| PERMIT HOLDERS(S): Fresenius Medical Care Holdings, Inc. Renal Care Group, Inc. Dialysis Centers of America-Illinois, Inc. | | |
| FACILITY NAME and LOCATION: Fresenius Medical Care Elmhurst, Elmhurst (f/k/a RCG Villa Park) | | |

STATE AGENCY REPORT
PERMIT RENEWAL REQUEST

I. Background

On September 21, 2010, the State Board approved Project #10-033. The permit authorized the discontinuation of a 24-station End Stage Renal Dialysis (ESRD) facility in Villa Park, and the re-establishment of a 24-station replacement ESRD facility on the campus of Elmhurst Memorial Hospital, Elmhurst. The State Agency notes the project is obligated, and the current project completion date is January 1, 2013. Project cost: \$5,488,045.

The State Agency notes the permit holders submitted the permit renewal request on November 14, 2012. This submittal was in accordance with 77 IAC 1130.740(d), which states that renewal requests must be received by the State Agency at least 45 days prior to the permit expiration date.

II. Findings

The State Agency notes this is the first renewal request for this project and it appears the permit holders have submitted all of the information required in Section 1130.740 for a permit renewal. A permit renewal fee of \$500.00 accompanied the permit renewal application.

III. The Permit Renewal Request

- A. Requested Completion Date: The permit holders request a project completion date of November 30, 2013. This would extend the project's completion date by eleven months, from January 1, 2013 to November 30, 2013.
- B. Status of the Project and Components Yet to be Finished: The permit holders state the construction phase is complete, the Certificate of Occupancy granted, and the 1st patient has been dialyzed. The following items remain:
- ESRD Federal Certification Survey: (2/28/13)
 - Project completion: (5/31/13)
- C. Reason(s) Why the Project Has Not Been Completed: The permit holders' state the following events occurred, which delayed completion of the project:
- The permit holders state life safety code issues related to the medical office building housing the ESRD facility were discovered, and required extra time to be addressed by the landlord.
- D. Evidence of Financial Commitment to Fund the Project: The permit holders indicate \$4,930,415 (89.8%) of the total project funds have been expended to date, and that sufficient funds exist to complete the project.
- E. Anticipated Final Cost of the Project: The permit holders report the project will be completed in compliance with the originally approved project cost of \$5,488,045.

IV. Project Description & Other Background Information

The permit authorized the discontinuation of a 24-station ESRD facility in Villa Park, and the reestablishment of a 24-station replacement facility on the campus of Elmhurst Memorial Hospital, Elmhurst. The project cost is \$5,488,045.

Permit Issuance Date: September 21, 2010

Required Completion Date: January 1, 2013

Project Obligation Date: April 21, 2011

Proposed Project Completion Date: November 30, 2013

V. Applicable Rules for Permit Renewal Requests

77 IAC 1130.740 specifies that a permit holder may request a change in the approved project completion date by applying for a permit renewal.

77 IAC 1130.740(b) states that failure to complete a project or to renew a permit within the prescribed timeframes will subject the permit holders to the sanctions and penalties provided in the Act and this Subpart.

77 IAC 1130.740(c) states that a permit renewal will commence on the expiration date of the original or renewed completion period.

77 IAC 1130.740(d) states that the State Board must be in receipt of a permit renewal request at least 45 days prior to the expiration date of the completion period, and include the following: 1) the requested completion date; 2) a status report on the project detailing what percent has been completed and a summary of project components yet to be finished and the amount of funds expended on the project to date; 3) a statement as to the reasons why the project has not been completed; and 4) confirmatory evidence by the permit holders' authorized representative that the project's costs and scope are in compliance with what the State Board approved and that sufficient financial resources are available to complete the project.

77 IAC 1130.740(e) states IDPH will review the request and prepare a report of its findings. If the findings are that the request is in conformance with all HFPB criteria, and if this is the first request for this project, then the request, IDPH's findings, and all related documentation shall be sent to the Chairman. The Chairman, acting on behalf of HFPB, will approve, deny or refer the request to the HFPB for action. If IDPH finds that all criteria are not positive or, if this is not the first request for this project, or if the Chairman refers this to HFPB for action, then HFPB will evaluate the information submitted to determine if the project has proceeded with due diligence (as defined in 77 IAC 1130.140). Denial of a permit renewal request constitutes HFPB's Notice of Intent to revoke a permit and the permit holders will be afforded an opportunity for an administrative hearing.

VI. Other Information

Permit Renewal Request

Project #10-033

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Appended to this report are the following: the permit holders' documents for a permit renewal, and a copy of the original State Agency Report.