

## Constantino, Mike

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**From:** Anne Cooper [ACooper@Polsinelli.com]  
**Sent:** Tuesday, August 14, 2012 2:46 PM  
**To:** Constantino, Mike  
**Cc:** Urso, Frank; Avery, Courtney; Marshall Mauer; Charles Sheets  
**Attachments:** Ottawa Request for Expedited Review (08-14-2014).pdf

Mike,

Attached please find Ottawa Pavilion's request for expedited review. I understand the September agenda is rather full. If it is possible to have the application heard at the September Board meeting, we would greatly appreciate it.

Thanks.

Anne



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August 14, 2012

**ELECTRONIC MAIL**

Michael Constantino  
Supervisor, Project Review Section  
Illinois Department of Public Health  
Health Facilities and Services Review Board  
525 West Jefferson Street, Second Floor  
Springfield, Illinois 62761

**Re: Request for Expedited Review - Ottawa Pavilion (Proj. No. 12-063)**

Dear Mr. Constantino:

As you are aware, Ottawa Pavilion ("Ottawa") is a skilled nursing facility in the midst of a significant modernization and expansion pursuant to Permit No. 09-048. Due to projected cost overruns, Ottawa recently submitted a second certificate of need ("CON") application to increase the project costs by approximately \$5.4 million. The second CON application was deemed complete on July 26, 2012. The deadline to request a public hearing was August 10, 2012, and it is our understanding that no public hearing was requested. Ottawa submitted the balance of the fee on August 3, 2012.

At this time, Ottawa requests the Chair place this matter on the agenda for the September 11-12, 2012 Health Facilities and Services Review Board ("Board") meeting. We believe we have a legitimate basis to submit this request to expedite this matter and hope staff has adequate time to review Ottawa's application and to prepare the state agency report.

Ottawa submitted its initial CON application on September 14, 2009, with a project completion date of March 31, 2012 and the expectation the application would be considered by the Board at the December 1-2, 2009 meeting. The application was not initially considered until the March 2-3, 2010 Board meeting, where it received an intent to deny. Ottawa's CON application was subsequently approved at the April 20, 2010 Board meeting. Due to delayed approval of the Ottawa CON application, construction did not commence as originally scheduled.

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*In California, Polsinelli Shughart LLP.*

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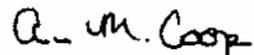
The modernization and expansion of Ottawa Pavilion is a three-phased construction project. The first phase consists of construction of a new building; the second phase involves modernization of an existing building built in 1989; and the third phase consists of demolition of the main building, which is over 70 years old, and construction of a memory support unit. Construction of the new building was completed prior to March 31, 2012, the project completion date. Ottawa received permission from the Illinois Department of Public Health for resident occupancy on July 2, 2012. Since completion for the first phase of construction, the project has stalled as there are insufficient funds under the current CON permit to complete either the second or third phases of the project.

The Ottawa CON application is tentatively scheduled to be heard at the October 30, 2012 CON Board meeting. However, there is concern if the Ottawa application is not heard at the September 11-12, 2012 Board meeting, contracts for the second and third phases of the project will expire and will need to be re-bid thereby significantly increasing the overall cost of the project. Further, if the CON application is not considered until the October Board meeting, construction would likely not resume until spring, which could further delay completion of the project.

Further, many of the residents have resided at the Ottawa for several years and have watched the progressive stages of the modernization and expansion of the facility. It upsets the families of residents who pass away prior to project completion when their loved ones are not able to enjoy a single day in the modernized facility. If the Board considers and approves this project at the September 11-12, 2012 meeting, Ottawa believes it will allow it to better meet the expectations of its residents.

Thank you for consideration of Ottawa Pavilion's request for expedited review.

Sincerely,



Anne M. Cooper

cc: Frank Urso  
Courtney Avery  
Marshall Mauer