

**Constantino, Mike**

---

**From:** EGreen@foley.com  
**Sent:** Friday, January 11, 2013 12:06 PM  
**To:** Constantino, Mike  
**Subject:** Letter to Mike Constantino Enclosing Section 1110.3230 Response Letters.pdf - Adobe Acrobat Professional  
**Attachments:** Letter to Mike Constantino Enclosing Section 1110.3230 Response Letters.pdf

Dear Mike:

Please see the attached Section 1110.3230 Response Letters that Silver Cross Hospital & Medical Centers has received to date regarding Silver Cross Emergicare Center (Frankfort), Project No. 12-096. Please feel free to contact me if you have any questions.

Best regards,

Ed  
Edward J. Green, JD, MBA  
Foley & Lardner LLP  
321 North Clark Street, Suite 2800  
Chicago, Illinois 60654-5313  
Direct Dial: (312) 832-4375  
Fax: (312) 832-4700  
Email: [egreen@foley.com](mailto:egreen@foley.com)

The preceding email message may be confidential or protected by the attorney-client privilege. It is not intended for transmission to, or receipt by, any unauthorized persons. If you have received this message in error, please (i) do not read it, (ii) reply to the sender that you received the message in error, and (iii) erase or destroy the message. Legal advice contained in the preceding message is solely for the benefit of the Foley & Lardner LLP client(s) represented by the Firm in the particular matter that is the subject of this message, and may not be relied upon by any other party.

Internal Revenue Service regulations require that certain types of written advice include a disclaimer. To the extent the preceding message contains advice relating to a Federal tax issue, unless expressly stated otherwise the advice is not intended or written to be used, and it cannot be used by the recipient or any other taxpayer, for the purpose of avoiding Federal tax penalties, and was not written to support the promotion or marketing of any transaction or matter discussed herein.



FOLEY & LARDNER LLP

ATTORNEYS AT LAW

321 NORTH CLARK STREET, SUITE 2800  
CHICAGO, IL 60610-4764  
312.832.4500 TEL  
312.832.4700 FAX  
www.foley.com

January 11, 2013

WRITER'S DIRECT LINE  
312.832.4375  
egreen@foley.com EMAIL

CLIENT/MATTER NUMBER  
026141-0108

VIA EMAIL

Mr. Michael Constantino  
Supervisor, Project Review Section  
Illinois Health Facilities and Services Review Board  
525 West Jefferson Street  
Springfield, Illinois 62761

Re: Silver Cross Emergicare Center (Frankfort), Project No. 12-096  
Section 1110.3230 Response Letters

Dear Mr. Constantino:

I am attaching copies of the Section 1110.3230 Response Letters that Silver Cross Hospital & Medical Centers has received to date regarding the above-captioned Project.

Please feel free to contact me if you have any questions.

Sincerely,

Edward J. Green

EJG:src  
Enclosures

BOSTON  
BRUSSELS  
CHICAGO  
DETROIT  
JACKSONVILLE

LOS ANGELES  
MADISON  
MILWAUKEE  
NEW YORK  
ORLANDO

SACRAMENTO  
SAN DIEGO  
SAN DIEGO/DEL MAR  
SAN FRANCISCO  
SILICON VALLEY

TALLAHASSEE  
TAMPA  
TOKYO  
WASHINGTON, D.C.

Mr. Paul Pawlak  
President & CEO  
Silver Cross Hospital & Medical Centers  
1900 Silver Cross Boulevard  
New Lenox, Illinois 60451

DEC 18 2012

**PRESIDENT'S OFFICE**

Dear Mr. Pawlak:

On behalf of our hospital, I am writing in response to the efforts by Silver Cross Health System and Silver Cross Hospital & Medical Centers to develop a free standing emergency center at the corner of 93rd Avenue & US Route 30 in Frankfort, Illinois.

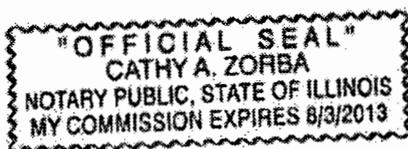
During the period between October 1, 2011 and September 30, 2012, our emergency department had an annual vacancy rate for budgeted full-time equivalent licensed health care workers of 0 %.

I certify, under oath and penalties as provided by law pursuant to 735 ILCS 5/1-109, that the information contained in this letter is true and correct to the best of my knowledge.

Sincerely,

  
President and CEO  
UNIVERSITY of Chicago Medical Center  
Hospital

Subscribed and sworn before me  
this 17 day of Dec., 2012  
Cathy A. Zorba





**Ingalls.**

Ingalls Health System

One Ingalls Drive  
Harvey, IL 60426  
708.333.2300

DEC 14 2012

**PRESIDENT'S OFFICE**

December 7, 2012

Mr. Paul Pawlak  
President & CEO  
Silver Cross Hospital & Medical Centers  
1900 Silver Cross Boulevard  
New Lenox, Illinois 60451

Dear Mr. Pawlak,

On behalf of our hospital, I am writing in response to the efforts by Silver Cross Health System and Silver Cross Hospital & Medical Centers to develop a Free Standing Emergency Center at the corner of 93rd Avenue & US Route 30 in Frankfort, Illinois.

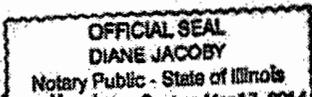
Ingalls Memorial Hospital is a community hospital located in Harvey, Illinois. Based upon Ingalls' location in relation to Frankfort, Illinois, and Ingalls' patient origin data, the proposed Silver Cross Freestanding Emergency Center will not impact the utilization of the Ingalls' Emergency Department.

I certify, under oath and penalties as provided by law pursuant to 735 ILCS 5/1-109, that the information contained in this letter is true and correct to the best of my knowledge.

Sincerely,

\_\_\_\_\_  
President and CEO

Ingalls Memorial Hospital  
Hospital



Subscribed and sworn to before me  
this 10<sup>th</sup> day of December, 2012.



Rehabilitation Institute of Chicago

DEC 13 2012

345 East Superior Street  
Chicago, Illinois 60611-2654  
312.236-1700 telephone  
www.ric.org

**PRESIDENT'S OFFICE**

November 30, 2012

Mr. Paul Pawlak  
President & CEO  
Silver Cross Hospital & Medical Centers  
1900 Silver Cross Boulevard  
New Lenox, Illinois 60451

Dear Mr. Pawlak:

On behalf of the Rehabilitation Institute of Chicago ("RIC"), this letter confirms that we received your request related to staffing shortage in the emergency department. Further, it is our understanding that Silver Cross Health System and Silver Cross Hospital & Medical Centers is developing a free standing emergency center at the corner of 93<sup>rd</sup> Avenue and US Route 30 in Frankfort, Illinois.

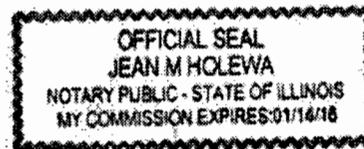
During the period between October 1, 2011 and September 30, 2012, RIC is a comprehensive rehabilitation facility and as such only provides "Standby Emergency Treatment Service" and thus does not have an annual vacancy rate for budgeted full-time equivalent licensed health care workers in that area.

I certify, under oath and penalties as provided by law pursuant to 735 ILCS 5/1-109, that the information contained in this letter is true and correct to the best of my knowledge.

Very truly yours,

Senior Vice President, General Counsel  
& Government Affairs

Subscribed and sworn before me  
This 30<sup>th</sup> day of November, 2012





**MORRIS  
HOSPITAL**  
& HEALTHCARE CENTERS

DEC 12 2012

**PRESIDENT'S OFFICE**

December 7, 2012

Mr. Paul Pawlak, President  
Silver Cross Hospital  
1900 Silver Cross Blvd.  
New Lenox, IL 60451

Dear Paul,

In your letter dated November 9, 2012 and received on November 23, 2012, you informed us you are proceeding in the preparation of an application to the Illinois Health Facilities and Services Review Board to establish a free-standing emergency center at the corner of 93<sup>rd</sup> Avenue and US Route 30 in Frankfort, IL. You asked that we indicate whether or not our Emergency Room has experienced a staffing shortage within the twelve-month period ending September 30, 2012. During that period, Morris Hospital did not experience an average vacancy rate of more than 10% for budgeted full time equivalent staff positions for healthcare workers subject to licensing by the Illinois Department of Finance and Professional Regulations. However, a few positions were posted for more than one month and while the average vacancy was less than 10%, there was at least one month where the vacancy exceeded 10%.

If you have any questions about the data we have provided, please do not hesitate to give me a call.

Sincerely,

Mark Steadham  
President & CEO





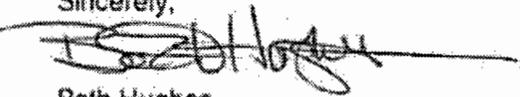
Presence<sup>®</sup>

Saint Joseph Medical Center

Letter to Paul Pawlak, Page Three

I will now address the issue of the vacancy rate of full time licensed personnel (RNs in the emergency department), which you are required to inquire of all hospitals within one hour of your project. Recognizing the importance of maintaining a fully staffed ED with high quality personnel, Presence Saint Joseph works very hard on its ED nurse recruitment and retention efforts and has been able to maintain its vacancy rate at 8.06% for the time period of October 1, 2011 through September 30, 2012, which is the time frame for which you requested our data. Although we cannot say that we have a staff shortage, as defined by the State standard of 10%, we must point out that this rate is four times the vacancy rate for the rest of our organization – an obvious indicator of the difficulty in recruiting and retaining ED personnel, both licensed and non-licensed. This freestanding emergency center project in Frankfort, if approved, will have a serious negative impact on the ability to maintain appropriate staffing levels at the Presence Saint Joseph since it will be competing with Silver Cross for qualified candidates. As you requested that I do, I swear and attest that this data is true and correct to the best of my knowledge.

Sincerely,

  
Beth Hughes  
President and CEO

Cc:  
Ms. Courtney Avery, Administrator  
Illinois Health Facilities and Services Review Board  
2<sup>nd</sup> Floor  
525 West Jefferson Street  
Springfield, IL 62761



# Advocate South Suburban Hospital

17800 South Redrie Avenue || Hazel Crest, IL 60429 || T 708.799.8000 || [advocatehealth.com](http://advocatehealth.com)

---

December 7, 2012

DEC 10 2012

Mr. Paul Pawlak  
President, CEO  
Silver Cross Hospital & Medical Centers  
1900 Silver Cross Blvd.  
New Lenox, IL 60451

**PRESIDENT'S OFFICE**

Re: Response to Request for Information Regarding the Impact of Proposed Silver Cross Hospital & Medical Centers FEC

Dear Mr. Pawlak,

Thank you for your letter dated November 9, 2012, and received via certified mail on November 23, 2012 inquiring about the potential impact of Silver Cross Hospital & Medical Center establishing a Freestanding Emergency Center at the corner of 93<sup>rd</sup> Avenue and US Route 30 in Frankfort. We believe that the proposed facility could have an adverse impact on Advocate South Suburban Hospital both in terms of staffing and utilization. Please note that as an authorized representative of the hospital, I verify that the statements below are true and correct consistent with Section 1110.3230(b)(2)(A)(4).

In terms of staffing, we are currently experiencing a staffing shortage in our emergency department as defined by Section 1110.3230(c). For the past 12 months, our vacancy rate in the emergency department at Advocate South Suburban Hospital has averaged in excess of 15 percent.

In regards to utilization, we are currently treating approximately 1,500 patients per emergency department treatment station annually. Applying the state utilization standard of 2,000 visits per treatment station annually, Advocate South Suburban Hospital has excess capacity in its emergency department. We believe that the proximity of Silver Cross Hospital & Medical Center's proposed *Freestanding Emergency Center* to Advocate South Suburban Hospital would lower, as provided in Section 1110.3230(c)(3)(b), to a further extent, the utilization of our emergency department below the utilization standards.

Thank you for the opportunity to comment on your proposed project.

Very truly yours,

Sharon Otten  
Vice President, CNE

cc: Courtney R. Avery, Administrator Illinois Health Facilities and Services Review Board

DEC 10 2012

Mr. Paul Pawlak  
President & CEO  
Silver Cross Hospital & Medical Centers  
1900 Silver Cross Boulevard  
New Lenox, Illinois 60451

PRESIDENT'S OFFICE

Dear Mr. Pawlak:

On behalf of our hospital, I am writing in response to the efforts by Silver Cross Health System and Silver Cross Hospital & Medical Centers to develop a free standing emergency center at the corner of 93rd Avenue & US Route 30 in Frankfort, Illinois.

During the period between October 1, 2011 and September 30, 2012, our emergency department had an annual vacancy rate for budgeted full-time equivalent licensed health care workers of 6.1 %.

I certify, under oath and penalties as provided by law pursuant to 735 ILCS 5/1-109, that the information contained in this letter is true and correct to the best of my knowledge.

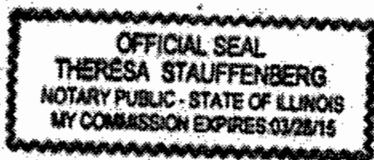
Sincerely,

*Anthony DeFina*  
President and CEO

Provena St Mary's Hospital  
Hospital

Subscribed and sworn before me  
this 4th day of December, 2012

*Theresa Stauffenberg*



DEC 5 2012

PRESIDENT'S OFFICE

Mr. Paul Pawlak  
President & CEO  
Silver Cross Hospital & Medical Centers  
1900 Silver Cross Boulevard  
New Lenox, Illinois 60451

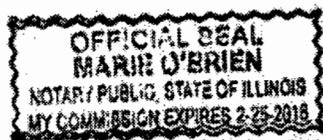
Dear Mr. Pawlak:

On behalf of our hospital, I am writing in response to the efforts by Silver Cross Health System and Silver Cross Hospital & Medical Centers to develop a free standing emergency center at the corner of 93rd Avenue & US Route 30 in Frankfort, Illinois.

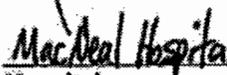
During the period between October 1, 2011 and September 30, 2012, our emergency department had an annual vacancy rate for budgeted full-time equivalent licensed health care workers of 2.7 %.

I certify, under oath and penalties as provided by law pursuant to 735 ILCS 5/1-109, that the information contained in this letter is true and correct to the best of my knowledge.

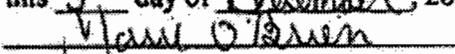
Sincerely,



  
\_\_\_\_\_  
President and CEO

  
\_\_\_\_\_  
MacNeal Hospital  
Hospital

Subscribed and sworn before me  
this 3<sup>rd</sup> day of December, 2012

  
\_\_\_\_\_  
Marie O'Brien

Mr. Paul Pawlak  
President & CEO  
Silver Cross Hospital & Medical Centers  
1900 Silver Cross Boulevard  
New Lenox, Illinois 60451

Dear Mr. Pawlak:

On behalf of our hospital, I am writing in response to the efforts by Silver Cross Health System and Silver Cross Hospital and Medical Centers to develop a free standing emergency center at the corner of 93<sup>rd</sup> Avenue & US Route 30 in Frankfort, Illinois.

During the period between October 1, 2011 and September 30, 2012, our emergency department had an annual vacancy rate for budgeted full-time equivalent licensed health care workers of 5.73%.

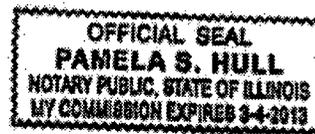
I certify, under oath and penalties as provided by law pursuant to 735 ILCS 5/1-109, that the information contained in this letter is true and correct to the best of my knowledge.

Sincerely,

  
\_\_\_\_\_  
President and CEO  
Riverside Medical Center  
Hospital

Subscribed and sworn before me  
this 5 day of December, 2012

  
\_\_\_\_\_



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

DEC 6 2012

PRESIDENT'S OFFICE

Mr. Paul Pawlak  
President & CEO  
Silver Cross Hospital & Medical Centers  
1900 Silver Cross Boulevard  
New Lenox, Illinois 60451

Dear Mr. Pawlak:

On behalf of our hospital, I am writing in response to the efforts by Silver Cross Health System and Silver Cross Hospital & Medical Centers to develop a free standing emergency center at the corner of 93rd Avenue & US Route 30 in Frankfort, Illinois.

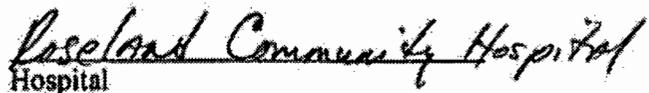
During the period between October 1, 2011 and September 30, 2012, our emergency department had an annual vacancy rate for budgeted full-time equivalent licensed health care workers of 6 %.

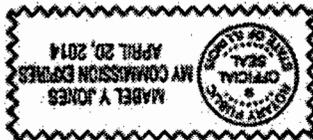
I certify, under oath and penalties as provided by law pursuant to 735 ILCS 5/1-109, that the information contained in this letter is true and correct to the best of my knowledge.

Sincerely,



President and CEO

  
Hospital



Subscribed and sworn before me  
this 4 day of December, 2012



DEC 4 2012

**PRESIDENT'S OFFICE**

Mr. Paul Pawlak  
President & CEO  
Silver Cross Hospital & Medical Centers  
1900 Silver Cross Boulevard  
New Lenox, Illinois 60451

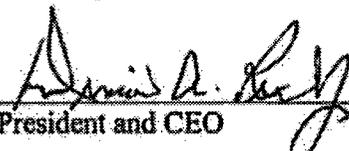
Dear Mr. Pawlak:

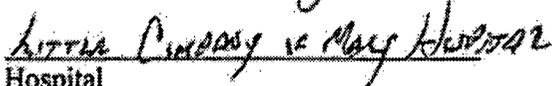
On behalf of our hospital, I am writing in response to the efforts by Silver Cross Health System and Silver Cross Hospital & Medical Centers to develop a free standing emergency center at the corner of 93rd Avenue & US Route 30 in Frankfort, Illinois.

During the period between October 1, 2011 and September 30, 2012, our emergency department had an annual vacancy rate for budgeted full-time equivalent licensed health care workers of 5.78 %.

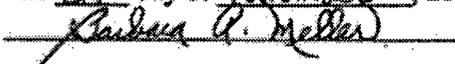
I certify, under oath and penalties as provided by law pursuant to 735 ILCS 5/1-109, that the information contained in this letter is true and correct to the best of my knowledge.

Sincerely,

  
\_\_\_\_\_  
President and CEO

  
\_\_\_\_\_  
Hospital

Subscribed and sworn before me  
this 29 day of November, 2012

  
\_\_\_\_\_  
Notary Public



DEC 3 2012

**PRESIDENT'S OFFICE**

Mr. Paul Pawlak  
President & CEO  
Silver Cross Hospital & Medical Centers  
1900 Silver Cross Boulevard  
New Lenox, Illinois 60451

Dear Mr. Pawlak:

On behalf of our hospital, I am writing in response to the efforts by Silver Cross Health System and Silver Cross Hospital & Medical Centers to develop a free standing emergency center at the corner of 93rd Avenue & US Route 30 in Frankfort, Illinois.

During the period between October 1, 2011 and September 30, 2012, our emergency department had an annual vacancy rate for budgeted full-time equivalent licensed health care workers of 3 %.

I certify, under oath and penalties as provided by law pursuant to 735 ILCS 5/1-109, that the information contained in this letter is true and correct to the best of my knowledge.

Sincerely,

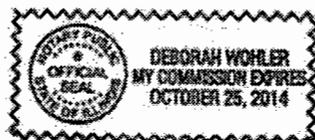


\_\_\_\_\_  
President and CEO

HOLY CROSS HOSPITAL  
Hospital

Subscribed and sworn before me  
this 29<sup>th</sup> day of NOVEMBER, 2012

Deborah Wohler



Mr. Paul Pawlak  
President & CEO  
Silver Cross Hospital & Medical Centers  
1900 Silver Cross Boulevard  
New Lenox, Illinois 60451

*RML IS AN LTCH AND  
MAINTAINS NO EMERGENCY DEPARTMENT*

Dear Mr. Pawlak:

On behalf of our hospital, I am writing in response to the efforts by Silver Cross Health System and Silver Cross Hospital & Medical Centers to develop a free standing emergency center at the corner of 93rd Avenue & US Route 30 in Frankfort, Illinois.

During the period between October 1, 2011 and September 30, 2012, our emergency department had an annual vacancy rate for budgeted full-time equivalent licensed health care workers of NA %.

I certify, under oath and penalties as provided by law pursuant to 735 ILCS 5/1-109, that the information contained in this letter is true and correct to the best of my knowledge.

Sincerely,



\_\_\_\_\_  
President and CEO

*RML SPECIALTY HOSPITAL*  
\_\_\_\_\_  
Hospital

Subscribed and sworn before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 2012  
\_\_\_\_\_

Mr. Paul Pawlak  
President & CEO  
Silver Cross Hospital & Medical Centers  
1900 Silver Cross Boulevard  
New Lenox, Illinois 60451

Dear Mr. Pawlak:

On behalf of our hospital, I am writing in response to the efforts by Silver Cross Health System and Silver Cross Hospital & Medical Centers to develop a free standing emergency center at the corner of 93rd Avenue & US Route 30 in Frankfort, Illinois.

During the period between October 1, 2011 and September 30, 2012, our emergency department had an annual vacancy rate for budgeted full-time equivalent licensed health care workers of 3.3 %.

I certify, under oath and penalties as provided by law pursuant to 735 ILCS 5/1-109, that the information contained in this letter is true and correct to the best of my knowledge.

Sincerely,

*Camela Davis*

President and CEO

*Edward Hospital*

Hospital

Subscribed and sworn before me  
this 3rd day of December, 2012

*Mary Anne Marker*



NOV 29 2012

**PRESIDENT'S OFFICE**

Mr. Paul Pawlak  
President & CEO  
Silver Cross Hospital & Medical Centers  
1900 Silver Cross Boulevard  
New Lenox, Illinois 60451

Dear Mr. Pawlak:

On behalf of our hospital, I am writing in response to the efforts by Silver Cross Health System and Silver Cross Hospital & Medical Centers to develop a free standing emergency center at the corner of 93rd Avenue & US Route 30 in Frankfort, Illinois.

During the period between October 1, 2011 and September 30, 2012, our emergency department had an annual vacancy rate for budgeted full-time equivalent licensed health care workers of 12 %.

I certify, under oath and penalties as provided by law pursuant to 735 ILCS 5/1-109, that the information contained in this letter is true and correct to the best of my knowledge.

Sincerely,

*Sister E. Van Houten*  
President and CEO

*St. Bernard Hospital*  
Hospital

Subscribed and sworn before me  
this 27<sup>th</sup> day of November, 2012

*Catherine Zebell*

