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IN REFERENCE TO: -
031261-3

September 4, 2013

RECEIVED
SEP 05 2013
HEALTH FACILITIES &
SERVICES REVIEW BOARD

VIA FEDERAL EXPRESS PRIORITY

Illinois Health Facilities and Services Review Board
525 W. Jefferson St., Second Floor
Springfield, IL 62761

Re: Request for Public Hearing for Project 13-058/ Warren G. Murray Developmental Center

Dear Mr. Sir/Madame:

On behalf of our clients Illinois League of Advocates for the Developmentally Disabled, Murray Parents Association, Inc., Barbara Cozzone-Achino, Elizabeth Gersbacher, David Iacono-Harris, Karen Kelly, Stan Krainiski, Gail K. Myers, Robyn Pannier, Robert Pokorny, Lauren Stengler, Jeannie L. Williams, Rita Winkeler, we hereby request a public hearing concerning project 13-058, titled: "Application for Permit for the Discontinuation of Services and Facility Closure for the Warren G. Murray Developmental Center, Centralia, Illinois."

Furthermore, we demand that the hearing be conducted in Clinton County, the county in which Murray Developmental Center is located. The Illinois Health Facilities Planning Act contains special requirements for public hearing concerning the closure of facilities. Section 6.2 of that Act states in the relevant section:

> .... When an application for a permit is initially reviewed by State Board staff, as provided in this Section, the State Board shall, upon request by the applicant or an interested person, afford an opportunity for a public hearing within a reasonable amount of time after receipt of the complete application, but not to exceed 90 days after receipt of the complete application. Notice of the hearing shall be made promptly, not less than 10 days before the hearing, by certified mail to the applicant and, not less than 10 days before the hearing, by publication in a newspaper of general circulation in the area or community to be affected. The

> hearing shall be held in the area or community in which the proposed project is to be located and shall be for the purpose of allowing the applicant and any interested person to present public testimony concerning the approval, denial, renewal, or revocation of the permit. . .. The [IHFSRB] shall adopt reasonable rules and regulations governing the procedure and conduct of the hearings. 20 ILCS 3960/6.2

The IHFSRB has also promulgated regulations which also require publication by notice in the area affected and a hearing in the area affected by the closure of the facility. 77 Ill. Admin. Code Section 1130.920(a-c). "The hearing shall be conducted in the area or community where the proposed establishment, construction or modification of a health care facility is to occur." 77 Ill. Admin. Code Section 1130.940(a).

This letter also serves to put the Illinois Health Facilities and Services Review Board on notice of the lawsuit that is currently pending in the United States District Court for the Northern District of Illinois, case no. 13-1300, titled *Illinois League of Advocates for the Developmentally Disabled, et al. v. Department of Human Services, et. al.*, which challenges the DHS's plan to move residents out of Murray Developmental Center without providing them with an adequate choice of ICF/DD services. In addition, this letter serves to put the Illinois Health Facilities and Services Review Board on notice of the Temporary Restraining Order which was entered against the Department of Human Services Division of Developmental Disabilities, on May 30, 2013, a copy of which is enclosed for your reference. This Order is currently in effect, and prohibits the transfer of residents out of the Murray Developmental Center without their consent. A preliminary injunction hearing is scheduled to commence on October 1, 2013, concerning the issues raised in the Complaint.

Please sign the enclosed receipt and return it to me in the enclosed, self-addressed envelope. If you have any questions, please do not hesitate to contact me.

Very truly yours,

SHEFSKY & FROELICH LTD.

Gabriel Reilly-Bates

GRB:wb1253634_1
Enclosure

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ILLINOIS LEAGUE OF ADVOCATES FOR THE DEVELOPMENTALLY, DISABLED, *et al.*	)	
Plaintiffs,	)	Case No. 13 C 1300
v.	)	Judge Marvin E. Aspen
ILLINOIS DEPARTMENT OF HUMAN SERVICES, MICHELLE R.B. SADDLER, in her official capacity as Secretary of the Illinois Department of Human Services, KEVIN CASEY, in his official capacity as Director of Developmental Disabilities of the Illinois Department of Human Resources, and COMMUNITY RESOURCE ALLIANCE,	)	
Defendants.	)	

Temporary Restraining ORDER

MARVIN E. ASPEN, District Court Judge:

On May 30, 2013, we granted Plaintiffs' motion for a temporary restraining order ("TRO"). (Dkt. No. 58.) After a conference with the parties to address their respective concerns as to the language of the TRO, and having considered and address those concerns, we hereby order:

A. The Defendants shall not transfer, discharge, or send on any overnight transition visit any resident of the Murray Developmental Center ("Murray") without the written consent of the resident's legal guardian. This provision will remain in

effect until we rule on the pending motion for preliminary injunction. (Dkt. No. 58.)

B. Nothing in this order shall restrict or prohibit Defendants from providing the residents with outside medical care when necessary, following Murray's standard protocols and procedures for obtaining such care for a resident. Defendants shall not prevent the resident from returning to Murray forthwith after receiving such necessary medical care.

C. Nothing in this order shall restrict or prohibit Defendants from conducting any pre-transition assessments, evaluations, or any other planning activities that do not involve removing a resident from Murray without the consent of the resident's legal guardian.

D. The parties shall exchange their evidentiary direct examination affidavits on or before July 17, 2013. Any witnesses whose affidavit is submitted thereby shall be available for cross-examination and redirect at the preliminary injunction hearing.

E. The parties shall designate which opposing party's witnesses they will cross-examine on or before July 19, 2013.

F. The preliminary injunction hearing shall commence on 7/23/13 at 10:00 a.m.

Marvin E. Aspen

Honorable Marvin E. Aspen
U.S. District Court Judge

Date: June 12, 2013