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HEALTH FACILITIES &
SERVICES REVIEW BOARD

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IN REFERENCE TO:
312613

October 16, 2013

VIA E-MAIL

Frank Urso, Esq.
General Counsel
Health Facilities Services and Review Board
122 South Michigan Avenue, 7th Floor
Chicago, IL 60603

Re: IL Department of Human Services Application to Discontinue the Warren G. Murray Developmental Center, Project #13-058

Dear Mr. Urso:

Reference is made to the application of the Department of Human Services Application to discontinue the Warren G. Murray Developmental Center, Project #13-058. This application is currently an item on the Board's agenda for November 5, 2013.

I wish by this letter to make you aware of a case known as Illinois League of Advocates for the Developmentally Disabled v. Department of Human Services, et al, case #13 CV 1300 which is currently pending before Judge Marvin Aspen in the Federal Court for the Northern District of Illinois. At issue in that case is whether or not the Warren G. Murray Developmental Center's planned closure violates the Americans with Disabilities Act, the Rehabilitation Act and 42 USC 1983 as a result of the deprivation of entitlements provided by the Federal Medicaid Act. There is a restraining order in place in that case which prohibits the transfer of any residents from that facility and its closure until the Federal court resolves the issues of the case.

A hearing on this issue is currently scheduled for January 6, 2014, and the Judge has indicated that the status quo shall be maintained until the court has issued its ruling.

The Board should be aware that the application pending before it presents a request which is impossible for it to grant as to do so would contradict the order of the Federal court requiring the facility to continue to care for and not transfer its residents over the objection of the guardians.

We, therefore, request that the Board issue a denial of the application to discontinue or, at the very least, give a continuance on this application until such time as the Federal court has made a ruling in the above referenced case.

If you require any further information in this regard, please contact me.

Very truly yours,

SHEFSKY & FROELICH LTD.

Judith S. Sherwin

JYS/ycp