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HEALTH FACILITIES &  
SERVICES REVIEW BOARD

Daniel J. Lawler  
(312) 214-4861  
daniel.lawler@btlaw.com

October 21, 2014

Ms. Courtney R. Avery  
Administrator  
Illinois Health Facilities and Services  
Review Board  
525 West Jefferson Street  
2nd Floor  
Springfield, IL 62761

**Re: NorthPointe Health and Wellness Campus Free-Standing Emergency Center,  
Roscoe, Illinois; Project No. 14-040**

**Statutory Impediment to FEC Application**

Dear Ms. Avery:

I represent SwedishAmerican Hospital which is the licensee for two Illinois hospitals whose patients reside in the areas to be served by the proposed NorthPointe Health and Wellness Campus Free-Standing Emergency Center ("FEC"), Project No. 14-040. We believe there is a legal impediment to the applicants owning and operating an FEC in Illinois under the Illinois Emergency Medical Services System Act (EMS Act) and the Illinois Hospital Licensing Act (Licensing Act). Specifically, those two Acts when read together indicate that an FEC must be owned and operated by a hospital that is licensed as a hospital in Illinois and subject to the licensing requirements of the Illinois Department of Public Health (IDPH). The proposed FEC will not be owned or operated by an Illinois hospital. The proposed ownership of the FEC by an entity that is not an Illinois licensed hospital is contrary to the intent of the EMS and Licensing Acts and contravenes public policy.

Section 32.5(a)(1) of the EMS Act states that an FEC must be located "within 50 miles of *the hospital that owns or controls the FEC...*" 210 ILCS 50/32.5(a)(1), Emphasis added. The EMS Act further provides that the term "hospital" has the meaning "ascribed to that term in the Hospital Licensing Act." 210 ILCS 50/3.5. The Licensing Act clearly uses the term "hospital" to mean a hospital licensed in Illinois and subject to regulation by IDPH. Section 4 of the Licensing Act states, "No person shall establish *a hospital* without first obtaining a permit from the Department and no person shall open, conduct, operate or maintain *a hospital* without first obtaining a license from the Department." 210 ILCS 85/4. None of the applicants for Project No. 14-040 are a "hospital" within the meaning of the EMS and Licensing Acts because none is licensed as a hospital by IDPH.

Ms. Courtney R. Avery  
October 21, 2014  
Page 2

There are sound public policy reasons for the requiring that the owner and operator of emergency medical services in Illinois be itself licensed and subject to regulatory oversight by IDPH. Every other FEC in Illinois is owned and operated by an Illinois hospital that is subject to regulatory oversight by IDPH. The proposed project would be the first FEC in the State whose owner and operator is not licensed by IDPH and regulated by IDPH.

For the above reasons, we respectfully submit that the application in Project No. 14-040 is not properly before the Review Board and should not be acted upon by the Review Board for the reason that the proposed FEC will not be owned and operated by a hospital licensed in the State of Illinois.

Respectfully submitted,

BARNES & THORNBURG LLP

A handwritten signature in black ink, appearing to read "Daniel J. Lawler", written in a cursive style.

Daniel J. Lawler

DJL:dp