

October 31, 2018

Ms. Julie Faenza, Project Analyst  
Ms. Gloria Hale, CON Team Leader  
Healthcare Planning and Certificate of Need Section  
Division of Health Service Regulation  
809 Ruggles Drive  
Raleigh, North Carolina 27603

Re: Public Written Comments,  
CON Project ID # F-11592-18, Renaissance Park Dialysis

Dear Ms. Faenza:

Bio-Medical Applications of North Carolina, Inc. offers the following comments on the above referenced Certificate of Need application filed by Renal Treatment Centers - Mid-Atlantic, Inc.

The applicant has filed an application to relocate a total of 10 dialysis stations from its Charlotte Dialysis to develop a new 10-station dialysis facility in Mecklenburg County. The applicant has filed an application which must be denied for myriad reasons.

1. The applicant has failed to provide any basis for its home patient growth projections. The applicant merely says that "It is reasonable to assume that Renaissance Park Dialysis will grow by a minimum of one patient per year..."<sup>1</sup>

The CON Project Analyst must ask why this is reasonable. In the absence of any documented methodology, the absence of any physician letter indicating that more patients will be referred for home dialysis, and in the absence of any defined methodology, how can the CON Agency accept such a statement? BMA suggests it is not reasonable to assume a growth of 100% of the program in a single year when there is nothing else in the application to support such an assertion.

The applicant should be found non-conforming to CON Review Criterion 3. The applicant's projections of the patient population to be served are not reliable.

2. To the extent that the applicant is non-conforming to CON Review Criterion 3, the applicant is also non-conforming to CON Review Criterion 5. The applicant's financial projections are derivative of the identified patient population to be served.

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<sup>1</sup> See page 16.

If the patient population is unreliable, it follows that the financial projections are likewise unreliable.

3. The applicant has not provided any evidence of referring physician support for the project. Metrolina Nephrology Associates are the predominant provider of nephrology services in Mecklenburg County. The only letter from a physician is the letter from Dr. Michael D. Boswell, the proposed Medical Director for the facility.

To the best of BMA knowledge, Dr. Boswell is not a practicing nephrologist, contrary to the information provided within the application. BMA has searched Dr. Boswell on the American Board of Internal Medicine. He is indeed board certified in Internal Medicine, but is not board certified in Nephrology<sup>2</sup>.

Apparently Dr. Boswell does not have an office practice location for seeing patients with kidney disease. How many of the patients who have signed letters of support for the project are in fact patients of Dr. Boswell?

If Dr. Boswell is not the physician for the patients signing letters, who then will admit the patients to the facility? What nephrology physician will have rounding privileges at the facility?

The applicant has not provided any evidence that any physician other than Dr. Boswell, who is not board certified in nephrology, will have admitting privileges at the facility. Consequently, the application fails to satisfy Criterion 3, as it does not demonstrate how its projected patient population will actually be admitted to the facility.

4. The applicant should be found non-conforming to CON Review Criterion 12.

The applicant has not provided a reasonable estimate of its property costs. The information included in Section K suggests the purchase price of the primary site is \$550,000. However, a search of the Mecklenburg County Tax Records indicate that the assessed property value for the site is \$724,000. Attachment 2 to these comments was obtained by a Tax Records search through the Mecklenburg County Tax Office.

The applicant's information is clearly inconsistent with the tax records. It is highly unlikely that property with an assessed tax value of \$726,000 will sell for approximately one third that value, \$550,000.

The application should be found non-conforming to Criterion 12. Further, the applicant has not allowed for such an expense associated with the cost of the property. Therefore the application should be found non-conforming to CON Review Criterion 5.

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<sup>2</sup> See Attachment 1.

Criterion 12 requires the applicant to demonstrate that the cost, design ... represent the most reasonable alternative. The applicant has proposed to develop a facility far larger than is necessary for 10 in-center dialysis stations. A review of the information in Section K, Criterion 12, page 45 of the application, indicates the applicant proposes to have 5,327 square feet for the dialysis treatment area. This is far more space than is necessary for a 10 station dialysis facility.

The CON Project Analyst should consider the floor plan included in Exhibit K-1 of the application. The area set aside for the Treatment room is less than 50% utilized. The applicant proposes to build a facility which could more double the number of in-center stations.

This is clearly not a reasonable proposal.

5. The applicant should be found non-conforming to CON Review Criterion 13. The applicant has provided un-reliable information for its proposed payor mix. The applicant represented on page 48 of the application that its projected in-center payor mix *“is based on the sources of patient payment that has been received by DaVita operated facilities in Mecklenburg County during the last full operating year”*.

The applicant operates eight dialysis facilities across Mecklenburg County. In this application all of their patient support letters come from only three of those facilities, and 31 of the 33 in-center letters come from only two of the facilities.

In the discussion of alternatives, Section E, Criterion 4, the applicant addresses the newly certified Brookshire Dialysis and Sugar Creek Dialysis facilities and suggests those facilities *“will serve a patient population in a distinctly different geographic region of the service area.”*

The CON Project Analyst must ask, wouldn't this same logic be true for the Charlotte East facility and the South Charlotte Dialysis facility, or the Mint Hill Dialysis facility, or even the Huntersville Dialysis facility?

If the applicant suggest that one part of the service area—Mecklenburg County—is geographically distinct from another, it stands to reason that the payor mix will also vary by “region” of the county.

Furthermore, the applicant has proposed that 35 of the patients in the first year would be transferring from their Charlotte Dialysis facility.. It would be more appropriate to identify a payor mix which would be representative of the Charlotte facility, as opposed to using a blended rate for the entire county.

The applicant should not be allowed to say in response to Criterion 4 that the county is distinctly different based on an area, or “region” of the county, and then in discussion of Criterion 13 infer that everything is the same.

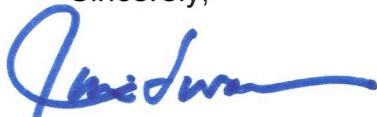
The ambiguity on behalf of the applicant should cause the CON Project Analyst to find the projected payor mix to be unreliable, and therefore non-conforming to Criterion 13.

6. The applicant has provided an application which is not conforming to CON Review Criterion 3, 5, 12, and 13. An application which is non-conforming to other CON Review Criteria cannot be the best alternative. Thus, this application should be found non-conforming to CON Review Criterion 4.

The applicant has provided an application which cannot be approved. Therefore the application must be denied.

If you have any questions please contact me at 910-568-3041, or email [jim.swann@fmc-na.com](mailto:jim.swann@fmc-na.com).

Sincerely,



Jim Swann  
Director of Operations, Certificate of Need

2 Attachments

- 1) Information re: Dr. Michael Boswell
- 2) Tax Record information re: PIN # 14315103

## Attachment 1

# Dr. Michael Boswell MD

Charlotte, NC



Specialty / Subspecialties: **Internal Medicine / General Internal Medicine, Hospital Medicine/Hospitalist**

## About Dr. Michael Boswell, MD

Dr. Michael Boswell is an internist in Charlotte, North Carolina and is affiliated with multiple hospitals in the area, including Carolina Healthcare System University Medical Center and Carolinas Medical Center. He received his medical degree from Howard University College of Medicine and has been in practice between 11-20 years. Dr. Boswell accepts several types of health insurance, listed below. He is one of 302 doctors at [Carolina Healthcare System University Medical Center](#) and one of 358 at [Carolinas Medical Center](#) who specialize in Internal Medicine.

PHONE NUMBER

**(704) 355-3813**

YEARS IN PRACTICE

**11 - 20**

GENDER

**Male**

LANGUAGES

**English**

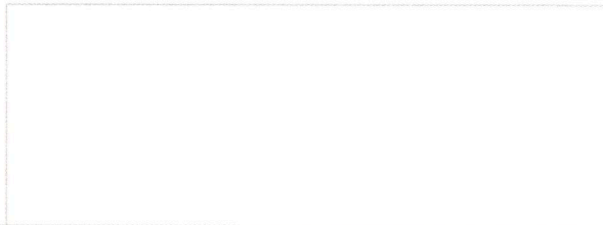
SPECIALTY

**Internal Medicine**

 **ARE YOU DR. BOSWELL?** [Claim/Edit Your Profile](#)

powered by  doximity





LOCATION & CONTACT



## What are Dr. Boswell's Specialties?

SPECIALTY

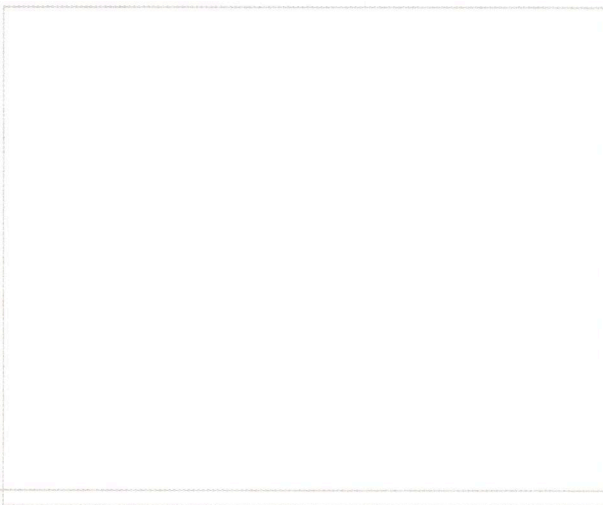
**Internal Medicine**

General internal medicine physicians, or internists, are primary-care doctors who perform physical exams and treat a wide spectrum of common illnesses in adult men and women. One of every four physicians in the U.S. is an internist, many of whom are certified in one of 19 subspecialties, including cardiology, infectious disease and medical oncology.

SUBSPECIALTIES

**General Internal Medicine**

**Hospital Medicine/Hospitalist**



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**i** FALL 2018 CERTIFICATION AND MOC EXAMS AFFECTED BY HURRICANE MICHAEL  ×

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**i** COMPLETE REQUIREMENTS BY 12/31/18 TO AVOID A CHANGE IN CERTIFICATION STATUS  ×



Home > Verify Physician Status

# MICHAEL BOSWELL

## CHECK A PHYSICIAN'S CERTIFICATION

*Enter Last Name (Required)*

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*Enter First Name*

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*Enter Date of Birth (mm/dd/yyyy)*

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OR

*Enter ABIM ID Number*

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OR

*Enter NPI Number*

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Oct 25, 2018



ABIM ID

226744

**CURRENT CERTIFICATION STATUS:**

Internal Medicine: ***Certified***

Participating in Maintenance of Certification: **Yes**

**INITIAL CERTIFICATIONS:**

Internal Medicine: 2004

## **Important information regarding the physician verification tool:**

- Most diplomates certified prior to 1990 are not required to participate in MOC but are strongly encouraged to do so.
- All ABIM certifications issued in 1990 (1987 for critical care medicine and 1988 for geriatric medicine) and thereafter must be maintained through ABIM's MOC program.
- ABIM's website serves as primary source verification.
- Diplomates are publicly reported as participating in MOC for all certifications as long as they are participating in MOC for one certification area.
- Physicians are publicly reported as inactive if they were once certified by ABIM but now, for non-disciplinary reasons, they no longer have an active medical license in any jurisdiction.
- Certification status is updated to this system within 5 days of notification to the physicians. Data elements, such as name changes, are updated in ABIM's records within 24 hours of being processed by ABIM.
- If you do not find your physician or they are listed as not certified, they may be certified by another board of the American Board of Medical Specialties. Please check [www.certificationmatters.org](http://www.certificationmatters.org) <<http://www.certificationmatters.org>>. Additionally, information on Allergy and Immunology, Clinical Laboratory

Immunology and Diagnostic Laboratory Immunology diplomates can be now found at [www.certificationmatters.org](http://www.certificationmatters.org) <<http://www.certificationmatters.org>>.

## **For more information about ABIM certification and MOC, go to:**

- ▶ [MOC Requirements </maintenance-of-certification/moc-requirements/general.aspx>](http://www.certificationmatters.org/maintenance-of-certification/moc-requirements/general.aspx)
- ▶ [Annual Reverification Date - April 1st </credentialers/default.aspx>](http://www.certificationmatters.org/credentialers/default.aspx)
- ▶ [Reporting Certification Status </certification/policies/general/policies.aspx#reportstatus>](http://www.certificationmatters.org/certification/policies/general/policies.aspx#reportstatus)
- ▶ [Board Eligibility </certification/policies/general/policies.aspx#eligibility>](http://www.certificationmatters.org/certification/policies/general/policies.aspx#eligibility)
- ▶ [Representation of Board Certification and Board Eligibility Status </certification/policies/general/policies.aspx#representstatus>](http://www.certificationmatters.org/certification/policies/general/policies.aspx#representstatus)

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510 Walnut Street, Suite 1700, Philadelphia, PA 19106

## Attachment 2

Account

Parcel ID **14315103**

Account No **153337**

Location Address

**PARKWAY PLAZA BV CHARLOTTE NC**

Current Owner(s)

**WALLACE VL LLC**

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Mailing Address

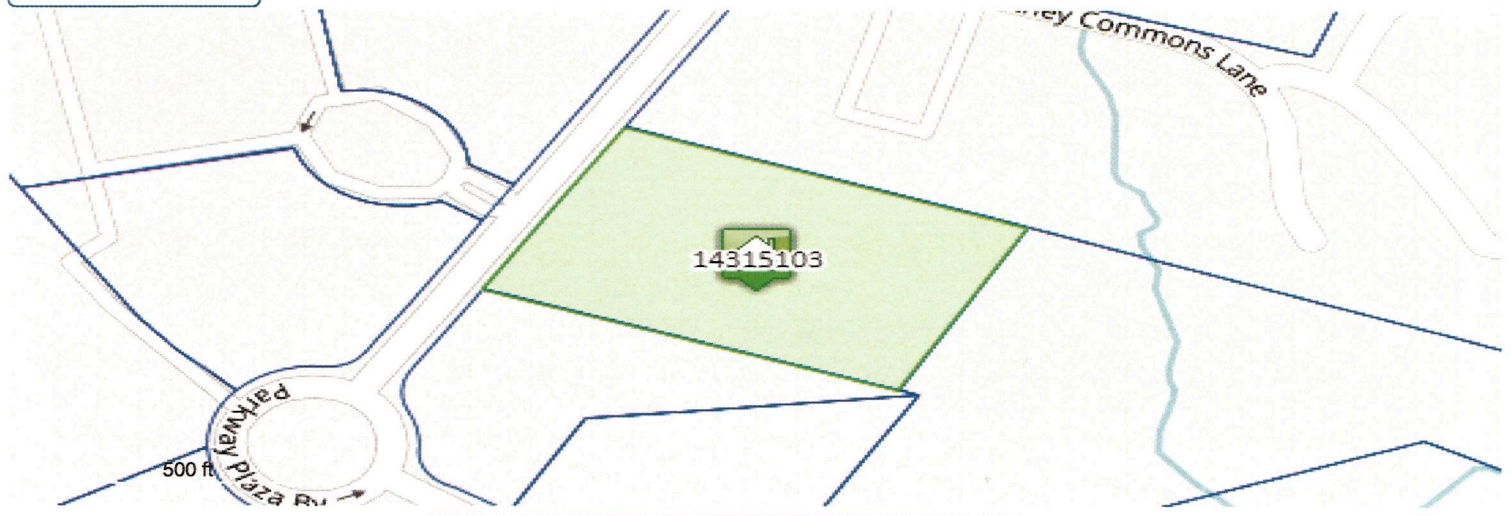
**4201 CONGRESS ST STE 170**

**C/O NAI SOUTHERN REAL ESTATE**

**CHARLOTTE NC 28209**

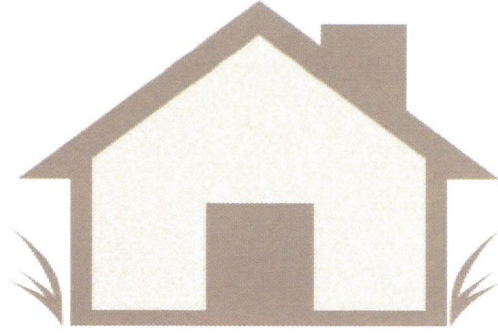
Land Use Code	<b>O400</b>
Land Use Desc	-
Exemption/Deferment	-
Neighborhood	<b>OF03</b>
Legal Description	<b>NA</b>
Land	<b>152460 SQUARE FEET</b>
Last Sale Date	<b>01/26/2018</b>
Last Sale Price	-
Fire District	<b>CITY OF CHARLOTTE</b>
Special District	<b>NA</b>
Municipality	<b>CHARLOTTE</b>

[Make an Inquiry](#)



[View Sales](#) [Map](#) [Pictometry](#) [Comper](#)

No Photo Available



### Valuation

Land Value	<b>\$724,200</b>
Building Value	<b>\$0</b>
Features	<b>\$0</b>

**Total Appraised Value    \$724,200 \***

 **BuildingDetails** ▾

### Overview

#### Building (1)

Heated Area	-
Heat	-
Year Built	-
Story	-
Built Use / Style	-
Fuel	-
Foundation	-
External Wall	-
Fireplace(s)	-
Half Bath(s)	-
Full Bath(s)	-
Bedroom(s)	-
Total (SqFt)	-

Sketch Not  
Available

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Misc Improvements

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