



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

JOSH STEIN • Governor

DEV DUTTA SANGVAI • Secretary

MARK PAYNE • Director, Division of Health Service Regulation

RESPONSE REQUIRED

December 19, 2025

Fatimah Wilson
3943 New Bern Avenue
Raleigh, NC 27610

Conditional Approval

Project ID #: J-12695-25
Facility: Fresenius Kidney Care Garner Dialysis
Project Description: Develop a new dialysis facility by relocating no more than 7 in-center dialysis stations from FMC White Oak and no more than 9 in-center dialysis stations from Southwest Wake County Dialysis for a total of no more than 16 stations upon project completion
County: Wake
FID #: 250853

Approved Capital Expenditure: \$3,657,728
Conditions of Approval: See Attachment A
Approved Timetable: See Attachment B
Last Date to Appeal: January 20, 2026
Required State Agency Findings: Enclosed

Dear Fatimah Wilson:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) has conditionally approved the above referenced certificate of need application. The conditional approval is valid only for the approved capital expenditure shown above. If the capital cost will exceed the approved capital expenditure amount by more than 115%, the applicant must first obtain a new certificate of need.

Response to the conditions in Attachment A should be attached to an email addressed to the Project Analyst and the Co-signer no later than 35 days from the date of the decision. The certificate of need will not be issued if the response to the conditions in Attachment A has not been received by the Agency.

The timetable for completion of the project is the timetable outlined in the certificate of need application, unless an adjustment has been made by the Agency because the review period was extended. The approved timetable for this project is found in Attachment B.

The applicant shall not begin developing this project until after the certificate of need has been issued and the certificate of need will not be issued until the applicant has documented that all conditions that must be met prior to issuance of the certificate of need have been met.

The Certificate of Need law provides that any affected person has thirty (30) days after the date of the decision to file a petition for a contested case on this approval. Further, if you are aggrieved by any of the

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF HEALTH SERVICE REGULATION

LOCATION: 1915 Health Services Way, Raleigh, NC 27607
MAILING ADDRESS: 1915 Health Services Way, 2704 Mail Service Center, Raleigh, NC 27699-2704
www.ncdhhs.gov/dhsr • TEL: 919-855-3873

conditions you may file a petition for a contested case hearing in accordance with G.S.150B, Article 3. This petition must be filed with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, North Carolina 27699-6714 within thirty (30) days of the date of this decision. Effective October 1, 2009, OAH requires a filing fee with submittal of petitions for contested cases. Please direct all questions regarding this fee to the OAH Clerk's Office (919-431-3000).

G.S. 150B-23 provides that a party filing a petition must also serve a copy of the petition on all parties to the petition. Therefore, if you file a petition for a contested case hearing, you must serve a copy of the petition on the Department of Health and Human Services by mailing a copy of your petition to:

Julie Cronin
Department of Health and Human Services,
Office of Legal Affairs,
2001 Mail Service Center
Raleigh, North Carolina, 27699-2001

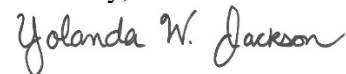
It is requested that a copy of the petition also be served on the Agency.

The certificate of need will not be issued before the completion of thirty-day appeal period which ends on the date shown above. If a contested case petition is filed with OAH within the thirty-day appeal period, the certificate will not be issued until the appeal is resolved.

If the decision is appealed, the timetable set forth in this letter will be adjusted accordingly before the certificate of need is issued. Please contact this office if any clarification of this decision is required.

Please refer to the Project ID # and Facility ID # (FID) in all correspondence.

Sincerely,



Yolanda W. Jackson
Project Analyst
Yolanda.jackson@dhhs.nc.gov



Gloria C. Hale
Team Leader
Gloria.hale@dhhs.nc.gov

Enclosures:

- Attachment A: Conditions of Approval
- Attachment B: Approved Timetable
- Required State Agency Findings

cc: Acute & Home Care Licensure & Certification Section, DHSR

Attachment A
Conditions of Approval

- 1. Bio-Medical Applications of North Carolina, Inc. (hereinafter certificate holder) shall materially comply with all representations made in the certificate of need application.**
- 2. The certificate holder shall develop a new 16-station dialysis facility, Fresenius Kidney Care Garner Dialysis, by relocating no more than seven in-center dialysis stations from Fresenius Kidney Care White Oak and no more than nine in-center dialysis stations from Southwest Wake County Dialysis.**
- 3. Upon completion of the proposed project, the certificate holder shall take the necessary steps to decertify seven in-center dialysis stations at Fresenius Kidney Care White Oak for a total of no more than 13 in-center dialysis stations at Fresenius Kidney Care White Oak upon project completion.**
- 4. Upon completion of the proposed project, the certificate holder shall take the necessary steps to decertify nine in-center dialysis stations at Southwest Wake County Dialysis for a total of no more than 21 in-center dialysis stations upon project completion.**
- 5. Progress Reports**
 - a. Pursuant to G.S. 131E-189(a), the certificate holder shall submit periodic reports on the progress being made to develop the project consistent with the timetable and representations made in the application on the Progress Report form provided by the Healthcare Planning and Certificate of Need Section. The form is available online at: <https://info.ncdhhs.gov/dhsr/coneed/progressreport.html>.**
 - b. The certificate holder shall complete all sections of the Progress Report form.**
 - c. The certificate holder shall describe in detail all steps taken to develop the project since the last progress report and should include documentation to substantiate each step taken as available.**
 - d. The first progress report shall be due on June 1, 2026.**
- 6. The certificate holder shall acknowledge acceptance of and agree to comply with all conditions stated herein to the Agency in writing prior to issuance of the certificate of need.**

Attachment B
Approved Timetable

Milestone		Date <i>mm/dd/yyyy</i>
1	Financing Obtained	09/15/2025
2	Drawings Completed	07/03/2026
3	Construction / Renovation Contract(s) Executed	09/16/2026
4	25% of Construction / Renovation Completed (25% of the cost is in place)	12/15/2026
5	50% of Construction / Renovation Completed	04/14/2027
6	75% of Construction / Renovation Completed	08/12/2027
7	Construction / Renovation Completed	11/10/2027
8	Equipment Ordered	09/02/2027
9	Equipment Installed	11/16/2027
10	Equipment Operational	12/07/2027
11	Building / Space Occupied	12/21/2027
12	Services Offered	12/31/2027
13	Medicare and / or Medicaid Certification Obtained	12/31/2027
14	Facility or Service Accredited	12/31/2027