



**FRESENIUS
MEDICAL CARE**

October 31, 2013

Mr. Craig R. Smith, Chief
Certificate of Need Section
Division of Health Service Regulation
809 Ruggles Drive
Raleigh, NC 27603



Re: Public Written Comments, CON Applications
CON Project ID # N-10200-13
CON Project ID # N-10201-13
CON Project ID # N-10204-13 J-10204-13
CON Project ID # N-10211-13

Dear Mr. Smith:

Please find attached Public Written Comment for the above noted CON applications.

If you have any questions, please contact me.

Respectfully,

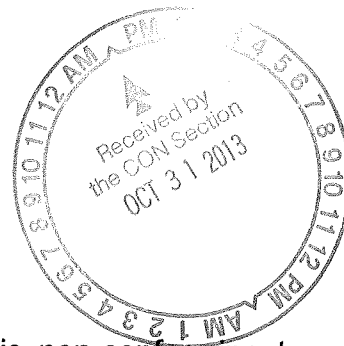
Jim Swann

Direct of Operations, Certificate of Need

3717 National Drive, Suite 206
Raleigh, North Carolina 27612

Phone 919-896-7230
FAX 919-896-7233

Public Written Comments
CON Project ID # J-10204-13
Total Renal Care, Inc., d/b/a
Wake Forest Dialysis Center
Prepared and submitted by Jim Swann
FMC Director of Operations, Certificate of Need



The Certificate of Need application submitted by TRC is non-conforming to multiple CON review criteria and rules. The application is not approvable. The application is not conditionally approvable. The following comments illustrate deficiencies within the application.

1. The applicant has filed an application which is predicated upon a faulty premise. The applicant has applied for five additional dialysis stations for a net of 18 stations at the Wake Forest facility. The applicant has previously filed CON Project ID # K-10126-13 which involved relocation of two dialysis stations from its Wake Forest facility to a new location in Youngsville, Franklin County.

K-10126-13 has been denied by the CON Section. Consequently, if this application were to be approved the applicant would net to 20 dialysis stations at its Wake Forest facility.

- the applicant has provided a floor plan for only 18 stations;
- the applicant has provided funding for only 18 stations;
- the applicant has not demonstrated staffing for a 20 station dialysis facility

Consequently, the applicant should not be found conforming to CON Review Criterion 4, 5, 7, 12, and 18a.

2. The Applicant has failed to correctly project its patient population to be served and is therefore non-conforming to CON Review Criterion 3.

In CON Project ID # K-10126-13, the applicant had proposed to relocate 2 dialysis stations from its Wake Forest facility, to Youngsville, Franklin County. The same application proposed that 11 dialysis patients would transfer their care from Wake Forest to the new facility in Youngsville.

In the instant application the applicant has provided projections of patients to be served which include the same 11 patients. The applicant has failed to allow for these transferring patients in projections of future patient populations at the Wake Forest facility. Consequently, the applicant has over stated its patient population to be served. The applicant is not conforming to CON Review Criterion 3.

3. The applicant has provided an application which is based upon current Medicare reimbursement and fails to consider the reality of probable cuts to Medicare reimbursement. Any changes to Medicare reimbursement for dialysis care will become public record during the pendency of this CON application review. The CON Analyst should not fail to consider such changes as they are announced.