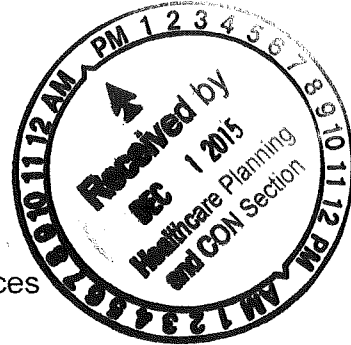




**FRESENIUS
MEDICAL CARE**

December 1, 2015

Ms. Martha Frisone, Assistant Chief
Healthcare Planning and Certificate of Need
Division of Health Service Regulation
North Carolina Department of Health and Human Services
809 Ruggles Drive
Raleigh, North Carolina 27603



Re: Public Written Comments
CON Project ID # F-11108-15, University City Dialysis
CON Project ID # F-11109-15, Brookshire Dialysis

Dear Ms. Frisone:

The attached Public Written Comments are forward for consideration by the CON Project Analyst conducting the respective reviews. If you have any questions regarding these comments please feel free to contact me.

Respectfully,

Jim Swann
Director of Operations, Certificate of Need

The application submitted by DVA Healthcare Renal Care, Inc. (DVA) presents the CON Section with an incomplete picture and an application which is not conforming to the CON Review Criteria and Rules for End Stage Renal Disease Treatment facilities. The application should be not be approved, or conditionally approved. The following information identifies multiple failures within the application.

1. The applicant fails to disclose the county of residence for the proposed patient population to be served by the facility. The table on page 14 of the application is incomplete and does not identify the county of residence or the number of patients by modality which would be served by the facility. The application should be found non-conforming to CON Review Criterion 3.
2. The applicant proposes that Dr. James Wood would serve as Medical Director. However, the applicant does not indicate how many of the patients are currently followed by Dr. Wood. There is no indication within the application which would indicate that another nephrologist would apply for privileges or admit patients to the facility.
3. The applicant suggests on page 44 that the facility would have 5,947 square feet in the treatment area. This is an excessive space for 10 dialysis stations, resulting in 661 square feet per station. This is an excessive amount of space for dialysis stations and does not represent a reasonable space or capital expenditure. Moreover, the application does not indicate the facility will have shelled in space. The application should be found non-conforming to CON Review Criterion 12.
4. The applicant suggests that its payor mix is based on DVA facilities in Mecklenburg County. However, all of the stations are being relocated from one facility. Furthermore, the applicant included 53 patient letters of support. On page 7 of the application, the applicant reports it was serving 421 Mecklenburg County residents. The 53 patients who signed letters of support for the application represent only 12.6% of the patient population served by DVA. It should not be reasonable to conclude that 12.6% of the patients is representative of the entire patient population. The application should be found non-conforming to CON Review Criterion 13.
5. In response to the rules at 10A NCAC 14C .2202, the applicant refers the analyst to information in Section C-8, C-9, C-10 and C-11. However, the applicant did not provide any information in response to the questions at Section C-8, C-9, C-10 and C-11. Therefore, the application should be found non-conforming to the Rules at 10A NCAC 14C .2202 (a) (2), (3), (4), (5), (6), and (7).

Public Witten Comments
CON Project ID # F-11108-15
DVA Healthcare Renal Care, Inc., d/b/a University City Dialysis
Prepared and Submitted by Jim Swann
FMC Director of Operations, Certificate of Need

6. To the extent that the applicant is non-conforming to the above, the application should also be found non-conforming to CON Review Criterion 4. The applicant has clearly not offer the best alternative.

SUMMARY:

The DVA application to develop Brookshire Dialysis should be denied. BMA suggests the application fails on multiple levels and should not be approved. The application fails to conform to CON Review Criteria 3, 12, and 13, and the rules promulgated at 10A NCAC 14C .2202.

For these reasons, the application should be denied.

BMA may offer additional information at the public hearing on December 17.