



**North Carolina Department of Health and Human Services
Division of Health Service Regulation
Certificate of Need Section**

2704 Mail Service Center • Raleigh, North Carolina 27699-2704
<http://www.ncdhhs.gov/dhsr/>

Drexdal Pratt, Director

Beverly Eaves Perdue, Governor
Albert A. Delia, Acting Secretary

Craig R. Smith, Section Chief
Phone: (919) 855-3873
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RESPONSE REQUIRED

September 27, 2012

William Hyland
2321 West Morehead Street, Suite 102
Charlotte, NC 28208

Conditional Approval

Project I.D. #: K-8818-12
Facility: Roxboro Dialysis Center
Project Description: Relocate and replace the existing 24 dialysis station facility within the same community of Roxboro, NC and add six previously approved dialysis stations (Project #K-8573-10) for a total of 30 dialysis stations upon project completion
County: Person
FID #: 120225

Dear Mr. Hyland:

The Certificate of Need (CON) Section, Division of Health Service Regulation, Department of Health and Human Services has conditionally approved the above referenced certificate of need application. This decision was made after a review of the applications submitted for this cycle and after consideration of the Certificate of Need Law, G.S. 131E-175 et. seq. and regulations promulgated thereunder, the State Medical Facilities Plan, and other applicable information. Written notice of all findings and conclusions upon which the decision was based will be provided to the applicants within five business days after the date of the decision in accordance with G.S. 131E-186. The applicant shall not proceed with the construction, offering or development of this project until the certificate of need is issued. Further, the Department shall not issue the certificate of need until all applicable conditions of approval that can be satisfied before issuance of the certificate of need have been met pursuant to G.S. 131E-187(a). The conditions are as follows:

1. DaVita Healthcare Renal Care, Inc d/b/a Roxboro Dialysis Center shall materially comply with all representations made in its certificate of need application.



2. DaVita Healthcare Renal Care, Inc d/b/a Roxboro Dialysis Center shall be certified for no more than 30 dialysis stations, which shall include any home hemodialysis or isolation stations.
3. DaVita Healthcare Renal Care, Inc d/b/a Roxboro Dialysis Center shall provide electrical wiring and plumbing through the walls to accommodate the relocation of 24 existing dialysis stations (K-8818-12) and the addition of 6 stations, approved but not certified (K-8573-10) for a total of no more than 30 dialysis stations, including one isolation station.
4. DVA Healthcare Renal Care, Inc. d/b/a Roxboro Dialysis Center, prior to issuance of the certificate of need, shall acknowledge in writing to the Certificate of Need Section acceptance of and agreement to comply with all conditions stated herein.

Response to the above conditions should be submitted to the CON Section no later than 35 days from the date of the decision. Failure to respond within this time period may result in the CON Section making a determination not to issue a certificate of need for the project referenced above.

The conditional approval is valid only for a capital expenditure of \$1,767,214. If a cost overrun occurs that exceeds the approved capital expenditure amount, a new certificate of need may be required as determined by G.S. 131E-176(16)(e).

The applicant should be aware that according to the Certificate of Need Law any affected person shall have thirty (30) days after the date of decision to file a petition for a contested case on this approval. Further, if you are aggrieved by the conditions of the decision you may file a petition for a contested case hearing in accordance with G.S. 150B, Article 3, as amended. 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. [Note: Effective October 1, 2009, OAH requires a filing fee with submittal of petitions for contested cases. Please direct all questions regarding this fee to 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:

Emery Milliken
Department of Health and Human Services,
Office of Legal Affairs,
Adams Building – Room 154
2001 Mail Service Center
Raleigh, North Carolina, 27699-2001

It is requested that a copy of the petition also be served on the Certificate of Need Section.

William Hyland
September 27, 2012
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The certificate of need will not be issued before the completion of this 30 day period ending October 29, 2012. If a contested case request is received within the thirty (30) day period, the certificate will not be issued until the appeal is resolved (10A NCAC 14C .0208).

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 CON Section because the review period was extended. The timetable for this project is as follows:

Completion of final drawings _____	March 1, 2013
25% completion of construction _____	June 15, 2013
Order Equipment (if major medical equipment) _____	September 1, 2013
75% completion of construction _____	September 15, 2013
Operation of Equipment (if major medical equipment) _____	December 1, 2013
Certification of facility _____	January 1, 2014

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 us if any clarification of this decision is required.

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

Sincerely,

F. Gene DePorter, Project Analyst

Craig R. Smith, Chief
Certificate of Need Section

FGD:CRS:se

Attachment

cc: Medical Facilities Planning Section, DHSR
Acute & Home Care Licensure & Certification Section, DHSR
Construction Section, DHSR

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing notice of **conditional approval** on the following person by placing a copy in an official depository of the United States Postal Service in a postage-paid, first class envelope addressed as follows:

William Hyland
2321 West Morehead Street, Suite 102
Charlotte, NC 28208

Project I.D. #K-8818-12

FID #120225

This the 27th day of September, 2012

F Gene DePorter, Project Analyst