



North Carolina Department of Health and Human Services
Division of Health Service Regulation

Pat McCrory
Governor

Aldona Z. Wos, M.D.
Ambassador (Ret.)
Secretary DHHS

Drexdal Pratt
Division Director

January 12, 2015

Jim Swann
Fresenius Medical Care
3717 National Drive, Suite 206
Raleigh, North Carolina 27612

Exempt from Review – Acquisition of Facility

Facility: Eastern Nephrology Greenville Office
Type of Facility: Diagnostic Center
Acquisition by: Fresenius Vascular Care Greenville MSO, LLC
County: Pitt
FID #: 110131

Dear Mr. Swann:

In response to your letter of December 22, 2014, the above referenced proposal is exempt from certificate of need review in accordance with G.S. 131E-184(a)(8). Therefore, Fresenius Vascular Care Greenville MSO, LLC may proceed to acquire the above referenced health service facility without first obtaining a certificate of need. However, you need to contact Acute and Home Care Licensure and Certification Section of the Division of Health Service Regulation (DHSR) to obtain instructions for changing ownership of the existing facility. Note that pursuant to G.S. 131E-181(b): *“A recipient of a certificate of need, or any person who may subsequently acquire, in any manner whatsoever permitted by law, the service for which that certificate of need was issued, is required to materially comply with the representations made in its application for that certificate of need.”*

It should be noted that this Agency's position is based solely on the facts represented by you and that any change in facts as represented would require further consideration by this Agency and a separate determination. If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

Jane Rhoe-Jones
Project Analyst

Martha J. Frisone, Assistant Chief
Certificate of Need

cc: Assistant Chief, Healthcare Planning
Acute and Home Care Licensure and Certification Section, DHSR

Healthcare Planning and Certificate of Need Section

www.ncdhhs.gov

Telephone: 919-855-3873 • Fax: 919-733-8139

Location: Edgerton Building • 809 Ruggles Drive • Raleigh, NC 27603

Mailing Address: 2704 Mail Service Center • Raleigh, NC 27699-2704

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**FRESENIUS
MEDICAL CARE**

December 22, 2014



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

Re: Notice of Exempt Transaction - Acquisition of Existing Health Service Facility / In Accordance With N.C General Statute 131E-184(a)(8) / Eastern Nephrology Associates PLLC, Diagnostic Center and Assets / Pitt County

Dear Ms. Frisone:

In accordance with N.C General Statute 131E-184(a)(8), Fresenius Vascular Care Greenville MSO, LLC is writing to advise you in advance of our planned acquisition of the existing diagnostic center currently owned/operated by Eastern Nephrology Associates, PLLC, at 511 Paladin Drive, Greenville, Pitt County, North Carolina. Eastern Nephrology Associates, PLLC was issued a CON, Project ID # Q-8628-11 on May 26, 2011. Please accept this letter as our formal notice of intent to acquire the existing health service facility (including diagnostic equipment) currently owned and operated by Eastern Nephrology Associates, PLLC.

Fresenius Vascular Care Greenville MSO, LLC is registered with the North Carolina Secretary of State. A copy of the registration is included as an attachment to this letter.

Fresenius Vascular Care Greenville MSO, LLC expects that this acquisition will be formally concluded on December 29, 2014.

If you have any questions please contact me at 919-896-7230, or email jim.swann@fmc-na.com.

Sincerely,

Jim Swann
Director of Operations, Certificate of Need

2 Atch:

- 1) CON, Project ID # Q-8628-11
- 2) Evidence of Registration with NC Secretary of State

STATE OF NORTH CAROLINA

Department of Health and Human Services
Division of Health Service Regulation

CERTIFICATE OF NEED

for

Project Identification Number #Q-8628-11

FID #110131

ISSUED TO: Eastern Nephrology Associates, PLLC
511 Paladin Drive
Greenville, NC 27834

Pursuant to N.C. Gen. Stat. § 131E-175, et seq., the North Carolina Department of Health and Human Services hereby authorizes the person or persons named above (the "certificate holder") to develop the certificate of need project identified above. The certificate holder shall develop the project in a manner consistent with the representations in the project application and with the conditions contained herein and shall make good faith efforts to meet the timetable contained herein. The certificate holder shall not exceed the maximum capital expenditure amount specified herein during the development of this project, except as provided by N.C. Gen. Stat. § 131E-176(16)e. The certificate holder shall not transfer or assign this certificate to any other person except as provided in N.C. Gen. Stat. § 131E-189(c). This certificate is valid only for the scope, physical location, and person(s) described herein. The Department may withdraw this certificate pursuant to N.C. Gen. Stat. § 131E-189 for any of the reasons provided in that law.

SCOPE: Eastern Nephrology Associates, PLLC shall acquire no more than one C-Arm unit for a total of two C-Arm units, and develop and operate one diagnostic center to be located at 511 Paladin Drive in Greenville/ Pitt County.

CONDITIONS: See Reverse Side

PHYSICAL LOCATION: Eastern Nephrology Associates, PLLC
511 Paladin Drive
Greenville, NC 27834

MAXIMUM CAPITAL EXPENDITURE: \$324,972

TIMETABLE: See Reverse Side

FIRST PROGRESS REPORT DUE: September 30, 2011

This certificate is effective as of the 26th day of May, 2011

Craig R. Smith

Chief, Certificate of Need Section
Division of Health Service Regulation

CONDITIONS:

1. Eastern Nephrology Associates, PLLC shall materially comply with all representations made in the certificate of need application.
2. Eastern Nephrology Associates, PLLC shall acquire no more than one C-Arm unit as part of this project.
3. Eastern Nephrology Associates, PLLC shall develop and operate no more than one diagnostic center as part of this project to be located at 511 Paladin Drive, in Greenville, in Pitt County.
4. Eastern Nephrology Associates, PLLC shall not acquire by purchase or lease, within one year after completion of this project, any equipment including replacement equipment, which costs or has a fair market value of \$10,000 or more that was not included in the capital expenditure in Section VIII.1 of the application.
5. Eastern Nephrology Associates, PLLC shall acknowledge acceptance of and agree to comply with all conditions stated herein to the Certificate of Need Section in writing prior to the issuance of the certificate of need.

A letter acknowledging acceptance of and agreeing to comply with all conditions stated in the conditional approval letter was received by the Certificate of Need Section on May 4, 2011.

TIMETABLE:

Obtaining Funds _____	September 1, 2011
Occupancy/Offering of Service(s) _____	January 1, 2012



Elaine F. Marshall
Secretary

North Carolina

**DEPARTMENT OF THE
SECRETARY OF STATE**

PO Box 29622 Raleigh, NC 27626-0622 (919)807-2000

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Corporate Names

Legal: Fresenius Vascular Care Greenville MSO, LLC

Limited Liability Company Information

SosId: 1409959
Status: Current-Active
Annual Report Status: Current
Citizenship: Foreign
Date Formed: 10/31/2014
Fiscal Month:
State of Incorporation: DE
Registered Agent: CT Corporation System

Corporate Addresses

Reg Office: 150 Fayetteville St., Box 1011
Raleigh, NC 27601
Reg Mailing: 150 Fayetteville St., Box 1011
Raleigh, NC 27601
Mailing: 920 Winter St
Waltham, MA 02451
Principal Office: 920 Winter St
Waltham, MA 02451

Company Officials