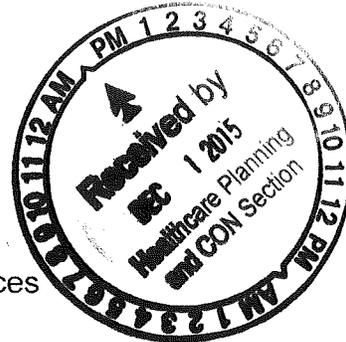




**FRESENIUS
MEDICAL CARE**

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. On page 16 of the application, the applicant suggests that the PD patients dialyzing at Charlotte East Dialysis would transfer their care to the new facility. However, the DaVita Charlotte facility at 2321 W. Morehead Street has a home dialysis program and if those patients desired a facility in closer proximity to their residence location they could actually transfer their care to the Morehead Street location today. It is disingenuous to suggest that the reason to have home therapies at this location is so that patients could transfer their care to a facility on the west side of Charlotte. The application should be found non-conforming to CON Review Criterion 3.
2. There are sufficient facilities in the area of northwest Charlotte already. The proposed facility is less than 2.4 miles from the DaVita Charlotte facility on West Morehead Street. There are two existing BMA facilities within 1.5 miles. See attached map. The application should be found non-conforming to CON Review Criterion 6.
3. 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.
4. The applicant suggests on page 44 that the facility would have 8,337 square feet in the treatment area. This is an excessive space for 10 dialysis stations, resulting in 926 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.
5. The application includes vague information with regard to Criterion 13 and the projected payor mix for Operating Year 2. The application suggests the home program would serve three home patients in year two (page 14). On page 50 the applicant suggests its Medicare payor mix for home patients would be 17.5%, or one half of one patient; the applicant suggests its Medicare/Medicaid payor mix for home patients would be 7.5%, or .21 patients. The agency has historically suggested that patients are not partial, but rather are whole. The application should be found non-conforming to CON Review Criterion 13.

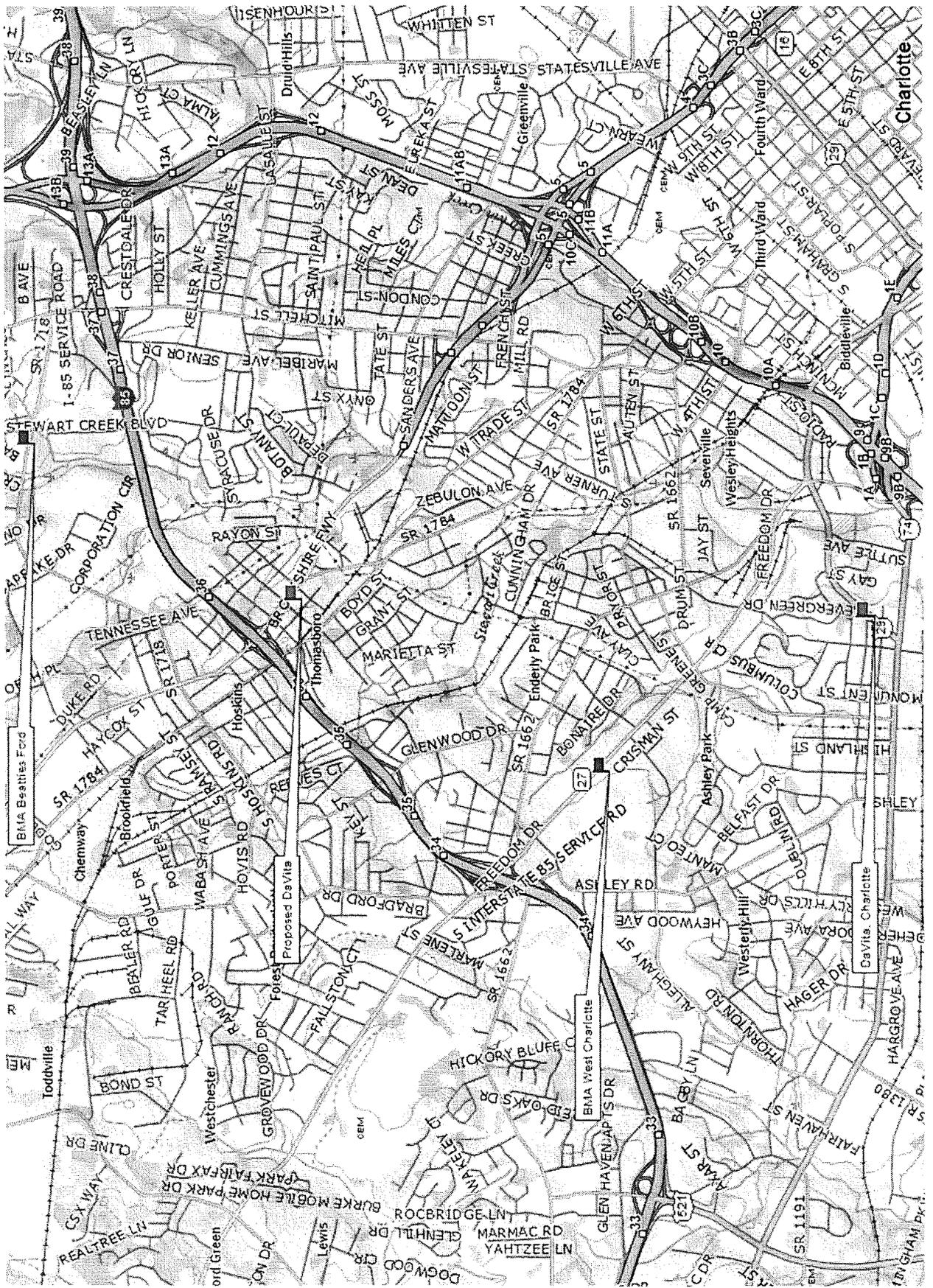
6. The applicant suggests that its payor mix is based on DVA facilities in Mecklenburg County. However, all of the stations are being relocated from one facility. Furthermore, the applicant included 53 patient letters of support. On page 7 of the application, the applicant reports it was serving 421 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.
7. 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).
8. The applicant has not provided any indication of financial reimbursement for the Medical Director. The Form A Medical Director line does not contain any indication of expense for the Medical Director services to be provided by Dr. Wood. The application has not funded the Medical Director position, and should be found non-conforming to CON Review Criterion 5 and 7.
9. 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, 4, 5, 6, 7, 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.



Medicare.gov | Dialysis Facility Compare

The Official U.S. Government Site for Medicare

General information

CHARLOTTE DIALYSIS

2321 W MOREHEAD STREET
CHARLOTTE, NC 28208
(704) 333-5535

Rating :

3 out of 5 stars

[Learn more about star ratings](#)

Distance : 2.4 miles

Dialysis facility information

Learn why these characteristics and services are important.

Shifts Starting After 5PM : No

In-Center Hemodialysis : Yes

Number of Hemodialysis Stations : 32

Peritoneal Dialysis : Yes

Home Hemodialysis Training : Yes

Type of Ownership : Profit

Corporate Name: DAVITA

Facility's Initial Date of Medicare Certification or
Recertification Date: 03/15/1990

Best treatment practices

CHARLOTTE DIALYSIS

2321 W MOREHEAD STREET
CHARLOTTE, NC 28208
(704) 333-5535

Rating :

Rating: 3 out of 5 stars

[Learn more about star ratings](#)

Best treatment practices

Best treatment practices are services that dialysis facilities provide that can help patients avoid hospitalization and death.