

**Constantino, Mike**

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**From:** Green, Edward [EGreen@foley.com]  
**Sent:** Monday, March 29, 2010 11:29 PM  
**To:** Constantino, Mike  
**Subject:** FW: Silver Cross Dialysis CON - Letter from SunHealth  
**Attachments:** Sun Health Letter (received 032910).pdf

Mike:

We received the attached opposition letter to the Silver Cross Dialysis CON that we just filed.

Best regards,

Ed

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MAR 30 2010

HEALTH FACILITIES &  
SERVICES REVIEW BOARD

# Sun Health

Bhuvan Chawla, MD  
Medical Director

**Services**

Hemodialysis  
LDL Apheresis  
Dietary Counseling  
Social Services

**SunNephrology**

**Services**

Chronic Kidney Disease Clinic  
Clinical Laboratory  
IV Infusion Therapy  
Medical Nutrition Therapy  
ADA Recognized-  
Diabetes Education Program

March 25, 2010

Ms. Ruth Colby  
Senior Vice President, Business Development  
Silver Cross Hospital  
1200 Maple Road  
Joliet, Illinois 60432

Re: Relocation of ESRD Facility and Expansion of Stations

Dear Ms. Colby:

I am writing to inform you that I received your letter dated February 16, 2010. The letter provided notice about Silver Cross Hospital's proposed certificate of need ("CON") permit application concerning the Hospital's End Stage Renal Disease Facility located at 1200 Maple Road in Joliet, Illinois. Your letter asked me to provide an impact statement, which analyzed whether or not the proposed relocation of the facility and related expansion of dialysis stations would affect our dialysis program.

I respectfully disagree with your assertion that the proposed project will not have an adverse impact on area providers; *therefore, we cannot support your CON permit application. Moreover, we would oppose the project for several reasons.*

First, we firmly believe that the planning area has a significant over supply of dialysis stations. In fact, there are currently 63 excess stations in Health Service Area 9. Existing providers, like Sun Health Dialysis, already have difficulty maintaining a sufficient patient base consistent with the Illinois Health Facilities and Services Review Board ("State Board") ESRD utilization standards. Due in part to this maldistribution of stations, Sun Health currently experiences utilization of only 65% and consistently operates below the State Board's 80% utilization standard. The proposed transaction and the request for additional stations will exacerbate the maldistribution of services which already exists in our planning area.

Second, your proposed transaction is inconsistent with the State Board's primary purpose—avoiding the unnecessary expenditure of precious health care dollars. We believe that your present facility has

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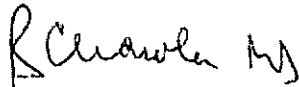
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not reached the end of its useful life and developing a new facility in the same service area is an unnecessary expenditure of health care dollars.

Nevertheless, we welcome the opportunity to discuss this matter further and would like to find ways to work together, and perhaps develop a plan on how to best serve the planning area's dialysis patients in locations close to where they currently live. Please contact us if you would like to explore ways to provide cost-effective dialysis care in a setting that best meets the needs of our local dialysis patients without the unnecessary expenditure of precious health care funds.

If you have any questions, do not hesitate to call me at (815) 744-9300.

Sincerely,

A handwritten signature in cursive script, appearing to read "B Chawla MD".

Bhuvan Chawla, M.D.  
Sun Health Inc.