

## Constantino, Mike

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**From:** Jackson, Sara [SJackson@silvercross.org]  
**Sent:** Wednesday, November 10, 2010 12:20 PM  
**To:** Constantino, Mike  
**Subject:** Opposition to Fresenius Medical Care-Joliet (#10-066)  
**Attachments:** Fresenius Medical Care Joliet Opposition 10-066.pdf

**Importance:** High

Please find attached a letter from Silver Cross Hospital in response to the revised patient data submitted for the above-referenced application.

*Sara Jackson*

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November 9, 2010

Mr. Mike Constantino  
Project Review Supervisor  
Illinois Health Facilities and Services Review Board  
525 West Jefferson  
Springfield, Illinois 62761

RE: Supplemental Opposition to Fresenius Medical Care Joliet, Project No. 10-066

Dear Mr. Constantino:

I am writing on behalf of Silver Cross Hospital and Silver Cross Renal Center – West (collectively, “Silver Cross”) in response to the November 1, 2010 modification letter (the “Modification Letter”) submitted by Fresenius Medical Care of Plainfield LLC d/b/a Fresenius Medical Care Joliet (the “Applicant”) in regard to the Applicant’s Application for Permit (the “Application”) to establish a 16 station in-center hemodialysis facility at 721-740 East Jackson Street, Joliet, Illinois (the “Project”). This letter shall serve as a supplement to the opposition letter Silver Cross filed by Silver Cross on November 1, 2010 (“Silver Cross’ Original Opposition Letter”). In short, and as set forth herein, the Modification Letter contradicts the sworn case count affidavit provided by Dr. Morufu Alausa (“Dr. Alausa”) in the Application and fails to address or correct the previously submitted inaccurate historical and projected patient data.

**1) THE MODIFICATION LETTER CONTRADICTS THE SWORN COUNT AFFIDAVIT PROVIDED BY DR. ALAUSA**

The Application is dependent on the historical patient data and projected patient counts provided by Dr. Alausa. More specifically, at pages 47 and 48 of the Application, the Applicant attaches the sworn affidavit of Dr. Alausa (the “Alausa Sworn Affidavit”), wherein Dr. Alausa states, under oath, that he “expect[s] to refer 58 patients to the Fresenius Joliet facility in the first year and another 163 in the 2<sup>nd</sup> and third year of operation (see attached patient lists.)” The Modification Letter, on the other hand and in contradiction to the Alausa Sworn Affidavit, states that “Dr. Alausa expects to admit 41 patients to the Joliet facility in the first year of operation . . . [and] 66 patients would be referred to the facility in the 2<sup>nd</sup> year.” (See p. 3 of Modification Letter (attempting to modify p. 44 of the Application); see also pp. 5, 6 & 9 of the Modification Letter (attempting to modify pp. 46, 49 & 103 of the Application)). Because the Modification Letter contradicts the Alausa Sworn Affidavit, one can only assume that one or both of the Applicant’s sworn documents is/are false; thereby making it impossible to ascertain the true, projected patient counts for the Project. (See also 77 Il. Admin. § 1110.1430(b)(3)(B)(an application must be supported by an accurate sworn physician referral affidavit)).

**2) THE HISTORICAL PATIENT COUNTS RELIED UPON BY THE APPLICANT ARE STILL INACCURATE**

In Silver Cross' Original Opposition Letter, Silver Cross provided the actual historical patient data for Dr. Alausa on record at Silver Cross (and as submitted by Silver Cross to the Renal Network). Silver Cross' Original Opposition Letter also affirmatively stated that Dr. Alausa's self-reported historical patient count was grossly overstated. Unfortunately, the Modification Letter does not provide an adjustment to Dr. Alausa's historical patient counts.

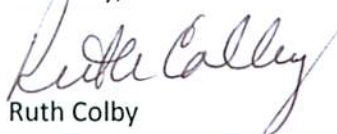
**3) THE PROJECTED PATIENT COUNTS SET FORTH IN THE MODIFICATION LETTER ARE STILL INACCURATE**

The Modification Letter also fails to address the fact that the pre-ESRD projections set forth in the Application (as modified by the Modification Letter) still greatly exceed the historical ESRD patient growth rates as maintained by the Renal Network. At some point, and to clear up the substantial amount of confusion caused by the Application, the Alausa Sworn Affidavit, and now the Modification Letter, the Applicant should either directly address these historical and projected patient count discrepancies or withdraw the Application.

For these reasons, Silver Cross continues to strongly oppose the proposed Project.

I affirmatively state that I am familiar with the various rules and regulations concerning the submission of accurate materials to the Board and that the statements contained in this letter are true and correct to the best of my knowledge and belief.

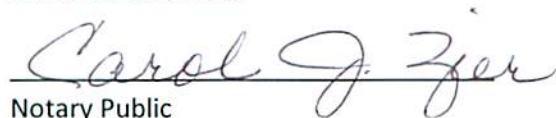
Sincerely,



Ruth Colby

Senior Vice President, Business Development &  
Chief Strategy Officer

SUBSCRIBED AND SWORN  
to before me this 10<sup>th</sup> day  
of November, 2010.



Notary Public

