



April 5, 2018

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**HEALTH FACILITIES &
SERVICES REVIEW BOARD**

Courtney Avery
Board Administrator
Illinois Health Facilities and Services Review Board
525 W. Jefferson, 2nd Floor
Springfield, IL 62716

Re: Project: #17-014, Rutgers Park Dialysis, Woodridge
Applicants: DaVita, Inc. and DuPage Medical Group, LTD

Dear Ms. Avery:

On behalf of Fresenius Kidney Care (FKC), I would like to note that the Illinois Health Facilities & Services Review Board ("Board") should not accept any additional/supplemental information on this project, that received an Intent to Deny on September 26, 2017. We have reviewed the record on this project as well as the rules pertaining to receipt of an Intent to Deny (77 IAC 1130.670). The rule states as follows:

- c) Action Following Notice of Intent to Deny
 - 1) If the applicant waives the right to appear before HFSRB or if a written response is not received within 14 days after the Intent to Deny, then the application shall be considered withdrawn.
 - 2) If the applicant indicates that no additional information will be submitted, HFSRB shall take action on the application at its next meeting (emphasis added).
 - 3) If the applicant indicates that additional information will be submitted, the applicant shall be afforded 60 days from the date of the Intent to Deny to submit the material (emphasis added). Upon receipt of the additional information, HFSRB staff shall commence a review and submit its finding to HFSRB in accordance with the provision of this Subpart. HFSRB staff shall be allowed up to 60 days following the receipt of all material to review the material and issue a supplemental report.

Murer Consultants, in a letter dated October 6, 2017, indicated the applicants planned to submit additional information and appear before the Board. In a subsequent letter dated October 23, 2017 Murer Consultants stated the applicants will "not" submit additional information, but maintained their request to appear before the Board.



FRESENIUS KIDNEY CARE

We note that the applicants deferred consideration of the application to the June Board meeting, most likely in anticipation of submitting additional information. At this point, the 60-day allowance to submit additional material has more than passed since the initial October 6th letter referenced previously.

Given this, not to mention the applicants statement in its October 23, 2017 letter stating that no additional material would be submitted, the applicants should not be allowed to submit additional materials for this application.

In sum, Fresenius Kidney Care will object to any attempt by the applicants to submit additional or supplemental information into the administrative record on this project.

Thank you for your consideration.

Sincerely,

Lori Wright
Senior CON Specialist

cc: Clare Connor
Mike Constantino
Jeannie Mitchell