



FRESENIUS KIDNEY CARE

Fresenius Kidney Care

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April 11, 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: #17-029, Melrose Village Dialysis, Melrose
Park Applicants: DaVita, Inc. and Adiron Dialysis, LLC

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, which received an Intent to Deny on January 9, 2018. 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if a written response is not received within 14 days after the Intent to Deny, then the application shall be considered withdrawn.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 January 22, 2018, indicated the applicants planned to submit additional information and appear before the Board. We note that the applicants' new counsel, Polsinelli, submitted a letter dated March 15, 2018 requesting deferral of consideration of the application to the June Board meeting, most likely in anticipation of submitting additional



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information. At this point, the 60-day allowance to submit additional material has more than passed since the initial January 22nd letter referenced previously.

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