

GATEWAY NEPHROLOGY

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RECEIVED

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**HEALTH FACILITIES &
SERVICES REVIEW BOARD**

July 3, 2018

Ms. Courtney Avery
Administrator
Illinois Health Facilities & Services Review Board
525 W. Jefferson St., 2nd Floor
Springfield, IL 62761

Re: #18-006 – Fresenius Kidney Care Madison County

Dear Ms. Avery,

I am writing in response to DaVita's opposition to the Fresenius Kidney Care Madison County dialysis clinic that I am supporting with patient referrals, along with Drs. Polack and Mayer from a separate practice. In good faith I agreed to support DaVita's CON application for the DaVita Foxpoint clinic, #16-037. I provided patient data indicating I expected to refer 58 new ESRD patients to the facility in the first two years of its operation. Due to business issues that were unforeseen prior to CON approval, and after considerable deliberation, I felt it was necessary to formally end my support for the DaVita Foxpoint facility as of February 2017. This was not a decision I took lightly, but a necessary one.

Still, I have many patients who live in the Granite City area who will be requiring dialysis in the next two years. Now that the Foxpoint facility is open, it and the DaVita Granite City facility are the only viable options for my patients. When the 58 patients identified in the Foxpoint application require treatment within this time-frame, that is still where they will need to go for dialysis. Relinquishing my association with DaVita has no relation to my patients who will still require dialysis services.

While providing patient referral data for the Fresenius Madison County application, every attempt was made to include only patients who were in earlier stages of kidney disease, and who would not require treatment until after the first two years the Foxpoint facility is in operation, thereby reducing chances of duplication. As a result, the number of identified patients was significantly reduced. While I cannot guarantee without a doubt that not one was duplicated, it is highly unlikely since these patients are nowhere near needing dialysis for at least two years. The patients identified in the Foxpoint application will be starting dialysis in the next year or two as indicated. These were not "the same referral letters".

In a review of my new chronic kidney disease (CKD) patients as of January 2017, which is 5 months after I provided patient referral support to the DaVita Foxpoint application, I have 11 pre-ESRD patients who were not identified in the Foxpoint application from 2017 and an additional 6 pre-ESRD patients who have come under my care since my support letter for Fresenius Kidney Care Madison County dated January 16, 2018. The pre-ESRD patients identified below will require dialysis in the first two years after the Madison County facility is operating.

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The patients listed below were not used to support the DaVita Foxpoint application or any other application other than for Fresenius Kidney Care Madison County.

11 new pre-ESRD patients from January-Dec 2017

Zip codes:

- 62040 - 8
- 62060 - 2
- 62234 - 1

6 new pre-ESRD patients from January- June 2018

Zip Codes:

- 62040 - 4
- 62060 - 2

I have not been "willfully in disdain of this Board's process" nor have I been "disingenuous or misrepresentative" as DaVita suggests. I have been nothing but transparent by notifying the Board that while I initially had every intention of working with DaVita on the Foxpoint facility, I could no longer be associated with it.

Moving forward on the Fresenius Madison County project, I found that I was not alone in my support of Fresenius bringing services to this area to complement their services in St. Louis, where a large portion of my practice is. Drs. Polack and Mayer from St. Louis Kidney Care are also supporting this project with a significant number of Granite City area patients who will require dialysis services two years or more from now. Both physicians also have area patients who will require dialysis in the upcoming two years who will require treatment likely at one of the two DaVita facilities in Granite City.

With many area nephrologists referring patients in Granite City in the next two years, the Foxpoint facility will fill up quickly and another clinic will be needed in this area. I prefer more options for my patients and a Fresenius clinic will give them another choice.

I respectfully ask that you approve this project to give nephrologists and patients in Granite City treatment options while maintaining access to services for future patients.

Thank you for your time in considering my comments.

Sincerely,

A.S. Cheema

Anahit S. Cheema, M.D.