

From: [Anne Cooper](#)
To: [Constantino, Mike](#)
Cc: [Kara Friedman](#); [Dawn Thomas](#)
Subject: [External] Midway Dialysis (Proj. No. 19-027)
Date: Tuesday, September 24, 2019 11:10:51 AM
Attachments: [image001.png](#)
[image002.png](#)
[Midway Dialysis - U of C Referral Letters-c.pdf](#)

Mike,

To provide further clarification on the Midway referral letter, the legal counsel's office at University of Chicago doesn't have first-hand knowledge of its nephrologists' CKD data and its associated use in the CON permit application process. Based on that, they modified the language in the referral letter to add a knowledge qualifier. Despite that qualifier, we are confident there is little or no overlap in the patient data. As you know, we have been working with DaVita on its CON permit applications since 2010. It was around that time that DaVita and the University of Chicago entered into an affiliation when the University of Chicago sold its clinics to DaVita and its nephrologist group continued the professional oversight of the DaVita units.

Since 2010, DaVita has collaborated on five dialysis clinics with the University of Chicago. Three of the projects were relocations of the University of Chicago clinics, which were required as part of the 2010 change of ownership of those clinics. The fourth project was Park Manor Dialysis, which was approved on February 16, 2016 and Medicare certified on February 7, 2018. The fifth project is the Midway Dialysis clinic, which is currently before the Board. We also generally reviewed other CON applications filed since 2010 and did not identify any support letters from the University of Chicago for other dialysis clinics.

The table below is a summary of the University of Chicago CKD patients used in the previously filed CON applications. The only slight zip code overlap with the previously filed applications were with zip codes 60629 and 60636. These were two zip codes that were included in the 2010 Woodlawn relocation application. In the 2010 Woodlawn application, there were three CKD patients from those two zip codes. As shown on page 5 of the Woodlawn referral letter two patients were CKD stage 4 and the other patient was CKD stage 5. Given the passage of time since the Woodlawn application was filed, it is highly likely these three patients have already initiated a renal replacement therapy or have not survived. Conservatively, eliminating these three patients from the 60629 and 60636 zip codes from the Midway letter, there are 137 CKD patients that reside in the immediate area of Midway dialysis. Assuming attrition due to patient death, transplant, stable disease, relocation away from the area, or election of other treatment modalities, at least 66 patients will likely initiate dialysis within 2 years of project completion. There are sufficient CKD patients to justify the Midway Dialysis clinic.

Zip Code	Midway	Stony Island	Lake Park	Woodlawn	Park Manor
33990			1		
46324			1		
46342			1		

46375			1		
60008				1	
60031			1		
60411			1		
60428			1		
60461			1		
60462			1		
60466			2		
60471			1		
60472			1		
60473			1		
60478				1	
60605				1	
60609				1	
60615		6	7		
60617		10	3	3	64
60619		15	6	2	
60620		5	4	4	
60621			4	2	
60624			1		
60628		3	4		
60629	52			1	
60636	88			2	
60637		8	2	1	
60639				1	
60643		3	2	1	
60649		9	7		58
60652			1		
60653			1		
60901			1		
Total	140	59	57	21	122

The CKD data for the Midway Dialysis application was provided by the University of Chicago, and as shown above, we verified the data had not been used to support another approved or pending CON application. As noted in the referral letter, the University of Chicago did not independently verify the CKD data was not used in a prior application and relied on representations made by DaVita and Polsinelli regarding the data provided in the referral letter.

Finally, in addition to Dr. Nicole Stankus, the following physicians have been pre-approved to admit patients to Midway Dialysis

Patrick Cunningham
Bharathi Reddy
Jay Koyner

Elaine Worcester
Mary Hammes
Hatim Hassan
Orly Kohn
Tipu Puri
Anna Zisman
Arlene Chapman
Benjamin Ko

Please let me know if you have any questions or need anything further.

Thanks

Anne

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