



STATE OF ILLINOIS  
**HEALTH FACILITIES AND SERVICES REVIEW BOARD**

525 WEST JEFFERSON ST. • SPRINGFIELD, ILLINOIS 62761 • (217) 782-3516 • FAX: (217) 785-4111

**TRANSMITTED ELECTRONICALLY**

October 23, 2019

Kara Friedman, Attorney  
Polsinelli  
150 North Riverside Plaza, Suite 3000  
Chicago, Illinois 60606

**Re: NOTICE OF INTENT TO DENY**  
**PROJECT:#19-027-DaVita Midway Dialysis**  
**APPLICANTS: DaVita, Inc., Total Renal Care Inc.**

Dear Ms. Friedman:

On October 22, 2019, the Illinois Health Facilities and Services Review Board issued an Intent-to-Deny for the above referenced application for permit. Section 1130 of the Illinois Health Facilities Planning Act provides you an opportunity for a hearing before the State Board to appeal this decision. If it is your decision to appeal the State Board's action you must adhere to the requirements of 77 IAC 1130.670 (b), (c), and (d), effective September 1, 2006, as follows:

- b) The applicant shall notify HFPB in writing and within 14 calendar days after issuance of the Notice of Intent-to-Deny, whether it intends to: 1) appear before the State Board; and/or 2) submit supplemental information. It is the responsibility of the applicant to assure that the HFPB is in receipt of the response within the 14-day prescribed time frame.
- c) (1) If the applicant waives the right to appear before HFPB or if a written response is not received within 14 calendar days after issuance of an Intent to Deny, then the application shall be considered withdrawn.
- c) (2) If the applicant indicates that no supplemental information will be submitted, the HFSRB shall act on the application at its next meeting.
- c) (3) If the applicant indicates that additional documentation shall be submitted, the applicant shall be afforded a period of 60 days from the issuance of the Notice of Intent-to-Deny submitting the material. Upon receipt of the supplemental information, HFSRB shall commence a review and submit its findings to HFSRB in accordance with the provisions of this Subpart. HFSRB shall be allowed up to 60 days following the receipt of all material to review the material and issue a supplemental report.
- d) A project that has received a Notice of Intent-to-Deny and has been scheduled for HFSRB consideration can be deferred by the applicant. A notice of deferral may be provided in writing prior to the scheduled HFSRB meeting or be provided verbally at the HFSRB meeting. An applicant may not defer HFSRB consideration beyond a HFSRB meeting date that is more than twelve months from the date the applicant received an intent-to-deny.

Permit Letter

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Should you have any questions or concerns please contact Mike Constantino or George Roate of my staff at [Mike.Constantino@illinois.gov](mailto:Mike.Constantino@illinois.gov) or [George.Roate@illinois.gov](mailto:George.Roate@illinois.gov) or 217.782.3516.

Sincerely,

A handwritten signature in blue ink that reads "Courtney Avery". The signature is written in a cursive, flowing style.

Courtney Avery, Administrator  
Illinois Health Facilities and Services Review Board