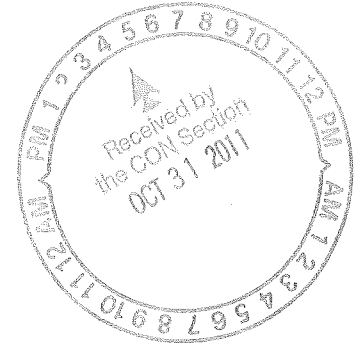




## Fresenius Medical Care



October 31, 2011

Mr. Craig R. Smith, Chief  
Certificate of Need Section  
Division of Health Service Regulation  
North Carolina Department of Human Resources  
809 Ruggles Drive  
Raleigh, NC 27603

Re: Public Written Comments, CON Project ID #C-8732-11

Dear Mr. Smith:

On behalf of Bio-Medical Applications of North Carolina, I am forwarding the attached as Public Written Comments regarding the CON Application filed by DCI to add four dialysis stations to its facility for a total of 29 stations. BMA is pleased to have the opportunity to submit comments, and hope that the CON Project Analyst will consider these comments during the review process.

BMA is of the opinion that its application to develop a new facility in Shelby and the DCI CON applications to expand can be approved by the CON Section. Both applicants propose to serve patients currently being served coupled with growth of their respective patient populations. Notwithstanding the suggestion that all three applications can be approved, BMA offers the following comments.

If you have any questions, or I can be of further assistance, please contact me at 919-896-7230.

Sincerely,

*Jim Swann, via email*

Jim Swann  
Director, Market Development and Certificate of Need

Attachment: Public Written Comments

3725 National Drive, Suite 130  
Raleigh, N.C. 27612  
Phone: 919-896-7230 FAX: 919-896-7233

Public Written Comments

Re: CON Project ID # C-8732-11

Dialysis Clinic, Inc.

d/b/a DCI Shelby

Prepared and submitted by: Jim Swann

FMC Director, Market Development and Certificate of Need

---

1. The applicant has suggested that it does not plan to operate a third dialysis shift unless or until there is a demand from the patient population. This is inconsistent with the SMFP which *“encourages applicants for dialysis stations to provide or arrange for...ESRD dialysis service availability at times that do not interfere with ESRD patient’s work schedules...”*
2. The applicant has not included any indication of state or federal income taxes to be paid.