



**FRESENIUS
MEDICAL CARE**

October 31, 2013

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



Re: Public Written Comments, CON Applications
CON Project ID # N-10200-13
CON Project ID # N-10201-13
CON Project ID # N-10204-13
CON Project ID # N-10211-13

Dear Mr. Smith:

Please find attached Public Written Comment for the above noted CON applications.

If you have any questions, please contact me.

Respectfully,

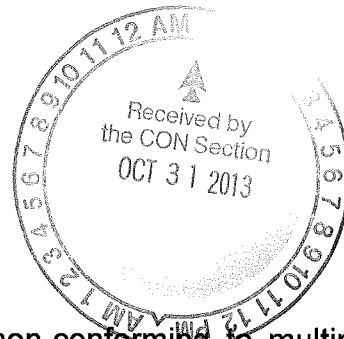
Jim Swann

Direct of Operations, Certificate of Need

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Raleigh, North Carolina 27612

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Public Written Comments
CON Project ID # N-10200-13
Total Renal Care, Inc., d/b/a
Southeastern Dialysis Center – Elizabethtown
Prepared and submitted by Jim Swann
FMC Director of Operations, Certificate of Need



The Certificate of Need application submitted by TRC is non-conforming to multiple CON review criteria and rules. The application is not approvable. The application is not conditionally approvable. The following comments illustrate deficiencies within the application.

1. The Applicant has provided an application which proposes an un-necessary relocation of dialysis stations from Columbus County to Bladen County. By their own statements, the applicant has indicated that the facility has capacity for additional patients at the Elizabethtown facility.

The applicant has not adequately identified a patient population to be served. The patient letters of support provided by the applicant are actually letters from a CON application filed in 2012; that application was denied. The patient letters of support included in this application are 18 months old and do not lend any credibility to the applicants representations of patients that are proposing to transfer their care to Elizabethtown. Given the existing capacity at the facility, if those patients were truly interested in transferring, they would have already transferred their care.

The applicant is not conforming to CON Review Criterion 3.

2. The applicant has not provided sufficient funding for the project and is therefore non-conforming to CON Review Criterion 5. The applicant indicates the required capital expenditure is \$76,784. Exhibit 16 of the application indicates that the applicant has arranged for funding of \$64,962. Therefore the application is under-funded, and not approvable.
3. The applicant has provided an application which is based upon current Medicare reimbursement and fails to consider the reality of probable cuts to Medicare reimbursement. Any changes to Medicare reimbursement for dialysis care will become public record during the pendency of this CON application review. The CON Analyst should not fail to consider such changes as they are announced.