



North Carolina Department of Health and Human Services
Division of Health Service Regulation

Roy Cooper
Governor

Dempsey E. Benton
Interim Secretary DHHS

Mark Payne, Director
Health Service Regulation

RESPONSE REQUIRED

January 20, 2017

William Hyland
2321 West Morehead Street
Charlotte, NC 28208

Conditional Approval

Project ID #: O-11257-16
Facility: Southeastern Dialysis Center - Wilmington
Project Description: Add four dialysis stations to existing facility for a total of 38 dialysis stations upon completion of this project, Project ID# O-10324-14 (relocate 10 stations to New Hanover) Project ID# O-10346-14 (add 10 stations), Project ID# O-11018-15 (add 3 stations) and Project ID# O-11082-15 (add 2 stations)
County: New Hanover
FID #: 956055

Dear Mr. Hyland:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) has conditionally approved the above referenced certificate of need application. This decision was made after a review of the applications submitted for this cycle and after consideration of the Certificate of Need Law, N.C. Gen. Stat. §131E-175 et. seq. and regulations promulgated there under, the State Medical Facilities Plan, and other applicable information. Attached to this letter are the required findings made with respect to your application. The applicant shall not proceed with the construction, offering or development of this project until the certificate of need is issued. Further, the Agency shall not issue the certificate of need until all applicable conditions of approval have been met pursuant to N.C. Gen. Stat. §131E-187(a). The conditions are as follows:

1. Total Renal Care of North Carolina, LLC d/b/a Southeastern Dialysis Center-Wilmington shall materially comply with all representations made in the certificate of need application.

Healthcare Planning and Certificate of Need Section

www.ncdhhs.gov

Telephone 919-855-3873 • Fax 919-715-4413

Location: Edgerton Building • 809 Ruggles Drive • Raleigh, NC 27603

Mailing Address: 2704 Mail Service Center • Raleigh, NC 27699-2704

An Equal Opportunity/ Affirmative Action Employer



2. Total Renal Care of North Carolina, LLC d/b/a Southeastern Dialysis Center-Wilmington shall add no more than four dialysis stations to the existing facility for a total of 38 dialysis stations upon completion of this project and the following projects: Project ID# O-10324-14 (relocate 10 stations to New Hanover Dialysis), Project ID # L-10346-14 (add ten stations), Project ID# O-11018-15 (add three stations), and Project ID# O-11082-15 (add 2 stations).
3. Total Renal Care of North Carolina, LLC d/b/a Southeastern Dialysis Center-Wilmington shall install plumbing and electrical wiring through the walls for no more than four dialysis stations, which shall include any isolation or home hemodialysis stations.
4. Total Renal Care of North Carolina, LLC d/b/a Southeastern Dialysis Center-Wilmington shall acknowledge acceptance of and agree to comply with all conditions stated herein to the Agency in writing prior to issuance of the certificate of need.

Response to the above conditions should be submitted to the Agency no later than 35 days from the date of the decision. Failure to respond within this time period may result in the Agency making a determination not to issue a certificate of need for the project referenced above.

The conditional approval is valid only for a capital expenditure of **\$0**. If a cost overrun occurs that exceeds the approved capital expenditure amount, a new certificate of need may be required as determined by N.C. Gen. Stat. §131E-176(16)(e).

The applicant should be aware that according to the Certificate of Need law any affected person shall have thirty (30) days after the date of decision to file a petition for a contested case on this approval. Further, if you are aggrieved by the conditions of the decision you may file a petition for a contested case hearing in accordance with N.C. Gen. Stat. §150B, Article 3, as amended. This petition must be filed with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, North Carolina 27699-6714 within thirty (30) days of the date of this decision. [Note: Effective October 1, 2009, OAH requires a filing fee with submittal of petitions for contested cases. Please direct all questions regarding this fee to OAH Clerk's Office (919-431-3000).]

N.C. Gen. Stat. §150B-23 provides that a party filing a petition must also serve a copy of the petition on all parties to the petition. Therefore, if you file a petition for a contested case hearing, you must serve a copy of the petition on the Department of Health and Human Services by mailing a copy of your petition to:

Lisa G. Corbett
Department of Health and Human Services,
Office of Legal Affairs,
Adams Building – Room 154
2001 Mail Service Center
Raleigh, North Carolina, 27699-2001

It is requested that a copy of the petition also be served on the Agency.

The certificate of need will not be issued before the completion of this 30 day period ending **February 20, 2017**. If a contested case request is received within the thirty (30) day period, the certificate will not be issued until the appeal is resolved (10A NCAC 14C .0208).

The timetable for completion of the project is the timetable outlined in the certificate of need application, unless an adjustment has been made by the Agency because the review period was extended. The timetable for this project is as follows:

Completion of Final Drawings and Specifications	_____	August 1, 2017
Ordering Equipment	_____	October 15, 2017
Arrival of Equipment	_____	December 15, 2017
Certification of Stations	_____	January 1, 2018

If the decision is appealed, the timetable set forth in this letter will be adjusted accordingly before the Certificate of Need is issued. Please contact this office if any clarification of this decision is required.

Please refer to the Project ID # and Facility ID # (FID) in all correspondence.

Sincerely,

Tanya S. Rupp
Project Analyst

Fatimah Wilson
Team Leader, Certificate of Need

Attachment

cc: Construction Section, DHSR
Acute and Home Care Licensure and Certification Section, DHSR
Paige Bennett, Assistant Chief, Healthcare Planning, DHSR

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing notice of **conditional approval** on the following person by placing a copy in an official depository of the United States Postal Service in a postage-paid, first class envelope addressed as follows:

William Hyland
2321 West Morehead Street
Charlotte, NC 28208
Project ID #: O-11257-16
FID #: 956055

This the 20th day of January, 2017.

Tanya S. Rupp
Project Analyst, Certificate of Need