

**Acute Care Services Committee  
Agency Report  
Petition to Change the Certificate of Need  
Application Review Schedule**

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***Petitioner:***

Fresenius Medical Care

***Contact:***

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***Request:***

Fresenius Medical Care (FMC) and its related dialysis facilities in North Carolina petitions the State Health Coordinating Council (SHCC) to amend the review schedule in Chapter 3 of the 2020 *State Medical Facilities Plan* for Category D reviews which are the end-stage renal disease (ESRD) applications.

***Background Information:***

Chapter Two of the SMFP provides that “[a]nyone who finds that the North Carolina State Medical Facilities Plan policies or methodologies, or the results of their application, are inappropriate may petition for changes or revisions. Such petitions are of two general types: those requesting changes in basic policies and methodologies, and those requesting adjustments to the need projections.” The annual planning process and timeline allow for submission of petitions for changes to policies and methodologies in the spring.

***Analysis/Implications:***

The Petitioner requests the SHCC amend the review schedule for Category D reviews as published in Chapter 3 of the 2020 SMFP. The State Health Coordinating Council (SHCC) is charged with directing development of the annual SMFP, which includes developing policies and methodologies used to determine need for new health care facilities and services in North Carolina. Chapter 3, Certificate of Need Review Categories and Schedule, is included in the SMFP for the convenience and benefit of users of the document. The contents of Chapter 3 are within the sole purview of the Department.

***Agency Recommendation:***

The Petitioner is not requesting any changes to Policy ESRD-2 or to the dialysis station need determination methodologies. The Agency, is therefore, treating this petition as a comment on the SMFP. CON may choose to respond directly. Given available information and comments submitted by the March 18, 2020 deadline, and in consideration of factors discussed above, the Agency recommends denial of the Petition.