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To Whom It May Concern,

As the Co-Presidents of Eastern Nephrology Associates, we would like to express our continued concerns regarding the repeated petitions filed by Liberty Healthcare and Rehabilitation Services (Liberty) to create independent ESRD (End Stage Renal Disease/Dialysis) facilities at their nursing home and rehabilitation centers. Eastern Nephrology Associates is one of the largest nephrology practices in the state of NC, providing kidney care to patients throughout the entirety of the coastal region. The practice represents 34 Nephrologists, 27 Advanced Practitioners who manage 2650 dialysis patients in over 30 counties.

Eastern Nephrology has advocated for the outcomes of our patients since 1975 and agrees with the assertion in Liberty's petition that ESRD patients who reside in skilled nursing homes are a particularly vulnerable population with unique needs. However, we have serious concerns about the unintended consequences to patient outcomes that are likely to occur if Liberty's request is approved.

Our concerns are based on the following observations:

Providing dialysis is not a simple procedure and although technological advances have led to equipment improvements, as alluded to in the petition, it's the direct supervision by nephrologists and the highly trained interdisciplinary team of dialysis experts (providers, administrators, nurses, technicians, dieticians, and social workers) that ultimately ensure patient safety and desirable patient outcomes. Nephrologists and dialysis providers have spent countless hours designing and improving the systems that support the provision of dialysis services. Liberty's petition ignores the complexity which is required to provide safe dialysis. There is no mention of nephrologist (kidney physician) involvement; no mention of the technician training required to cannulate (placing large needles) into the dialysis access (patient's lifeline); no mention of the expertly trained dialysis nurse that must respond to the acute changes in the patient's status during the treatment; and no mention of the interdisciplinary team structure that ensures the patient's outcomes achieve the highest quality possible.

Secondly, the provision of dialysis is highly regulated with the intent of enforcing an environment that ensures patient safety. Providers of dialysis must comply with specific regulations to receive Medicare payments and Medicare is the largest payer of dialysis in the U.S. Liberty is familiar with the challenges of operating in a highly regulated industry given its management of skilled nursing and rehabilitation facilities and acknowledges in the petition that ESRD facilities require additional and unique regulatory oversight. We contend that it would be extremely challenging if not impossible to develop the knowledge and internal resources needed to comply

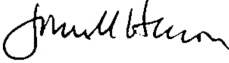
with the ESRD facility regulations when the skilled nursing homes would only have a handful of patients per location.

In summary, we are concerned that allowing Liberty to develop independent ESRD/Dialysis facilities in their skilled nursing homes and rehabilitation centers will expose kidney failure patients to an unsafe environment. The petition suggests an over reliance on recent dialysis machine technical improvements as the basis for the program, and it appears to ignore the contribution of nephrologists and the dialysis interdisciplinary team on ensuring the safety and high-quality outcomes that the patients deserve. Rather than creating independent ESRD facilities in the skilled nursing homes, we would encourage Liberty to partner with nephrologists and dialysis providers to provide dialysis within the nursing facility while maintaining the dialysis safety nest that already exists.

Respectfully submitted on behalf of Eastern Nephrology Associates,

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