

**BODE & HARRELL, LLP**

ATTORNEYS AT LAW  
2600 FAIRVIEW ROAD, SUITE 200  
RALEIGH, NORTH CAROLINA 27608

TELEPHONE (919) 977-0571  
FACSIMILE (919) 977-0895

MAILING ADDRESS

POST OFFICE BOX 6338  
RALEIGH, NORTH CAROLINA  
27628-6338

JOHN T. BODE  
JAMES A. HARRELL, III

March 19, 2018

Mark Payne, Director  
NC DHHS – Division of Health Service Regulations  
2001 Mail Service Center  
Raleigh, NC 27699-2001

Dear Mark:

I am working on behalf of Wake Forest Baptist Hospital in opposition to the attached Petition of Fresenius Dialysis which seeks to create single specialty ambulatory surgery facilities from existing physician office-based unlicensed Vascular Access Centers. The Petition claims the recent rate reductions by CMS in Dialysis Vascular reimbursements make it likely that many office-based Vascular Outpatient Centers may no longer be able to operate.

The Petition seeks to either grant these Vascular Access Centers an exclusion from the Certificate of Need methodology for Ambulatory Surgery Centers or an adjusted need determination for a demonstration project for two operating rooms in each of the six Health Service Areas statewide which will be authorized to provide an expanded range of vascular services including those currently being provided only in hospital settings.

One of my major concerns with the Fresenius proposal is that it is designed to fully control the health care setting of the approximately 18,000 North Carolina residents undergoing dialysis by putting a very substantial number of such patients into six proposed vascular access operating rooms to be built across the State. This proposal will absolutely remove critical patients from their local hospitals in the rural areas of our State from receiving procedures currently required to be provided to them in the hospital setting.

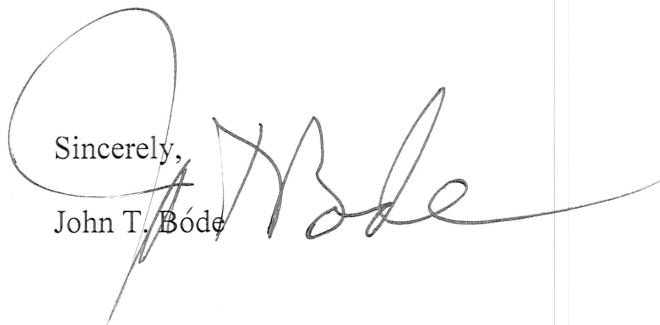
I think it is critical for the SHCC to investigate the financial impact on our rural hospitals of the proposed changes in procedures being taken from our rural hospitals. I am very aware that our rural hospitals particularly in the Northeastern part of our State provide many services to the dialysis population. That part of their patient population may be critical to the continued existence of those rural hospitals.

Please let me know if I can provide you any additional information with respect to this matter. I strongly believe that we need to support all of our rural hospitals and to keep them as a central part of their local communities.

Best wishes.

Sincerely,

John T. Bode

A handwritten signature in black ink, appearing to read "John T. Bode", is written over the typed name. The signature is fluid and cursive, with a large loop at the beginning.