

**Constantino, Mike**

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**From:** Anne Cooper [ACooper@Polsinelli.com]  
**Sent:** Wednesday, January 19, 2011 4:52 PM  
**To:** Constantino, Mike  
**Cc:** Steve Lieb; 'Marcia Sorrill'; Kara Friedman  
**Subject:** Request for Expedited Review - Mattoon Dialysis (Proj. No. 11-003)  
**Attachments:** Request for Expedited Review (01-19-11).pdf

Mike,

Attached please find a copy of the request for expedited review of the certificate of need application for Mattoon Dialysis (Proj. No. 11-003) we sent to Courtney Avery today.

Anne



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January 19, 2011.

**FEDERAL EXPRESS**

Ms. Courtney R. Avery  
Administrator  
Illinois Health Facilities and Services Review  
Board  
525 West Jefferson Street, 2nd Floor  
Springfield, Illinois 62761

**Re: Request for Expedited Review - Mattoon Dialysis (Proj. No. 11-003)**

Dear Ms. Avery:

On behalf of DaVita, Inc. and DVA Renal Healthcare, Inc. (the "Applicants"), we respectfully request the Illinois Health Facilities and Services Review Board ("HFSRB") grant expedited review of the above-referenced Mattoon Dialysis application for certificate of need permit (the "CON Application") and consider the CON Application at the March 22, 2011 HFSRB meeting,

In filing the CON Application, the Applicants are seeking authority from the HFSRB to relocate from a deteriorated physical plant to an updated building. Specifically, the CON Application seeks to discontinue its existing 16-station dialysis facility at 200 Richmond Avenue E, Mattoon, Illinois (the "Existing Facility") and establish a new 16-station dialysis facility to be located at 6051 Development Drive, Charleston, Illinois (the "Replacement Facility"). As discussed throughout the Application, on November 30, 2010, Sarah Bush Lincoln Health System (the "Lessor") notified the Applicants of its intent to terminate the Existing Facility's lease effective June 30, 2011. As set forth in the Lessor's letter of support, which is attached hereto, the Lessor cannot allow the Existing Facility to operate at its current location. To date, the Lessor has not expressed any willingness to extend the lease beyond June 30, 2011.

Mattoon Dialysis is the only dialysis facility in the communities of Charleston/Mattoon and the only facility in Coles County. The closest facility is in Effingham which is between 35 and 45 minutes from the area served by Mattoon Dialysis. The primary purpose of the CON Application is to maintain access to life sustaining dialysis to the residents of the Charleston/Mattoon area. Without a facility in Coles County, end stage renal dialysis ("ESRD") patients will have to drive well over thirty minutes to Effingham or Shelbyville or an hour and a

Chicago Kansas City St. Louis Denver Phoenix Washington, DC New York Wilmington DE

Ms. Courtney R. Avery  
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half to Decatur or Champaign-Urbana three times per week for dialysis. This would be an extreme hardship for ESRD patients and their caregivers. Transportation scheduling issues ESRD patients face when dialysis is close to home will only be exacerbated if patients are forced to travel outside of the area for dialysis. If dialysis is not accessible, patients may skip or forego dialysis treatments altogether, which could result in their demise. Therefore, it is essential the Replacement Facility be considered at the next HFSRB meeting to improve the chances that it can be operational by June 30, 2011.

As noted in the Application, a site for the Replacement Facility has been selected. The intended contractor and landlord have indicated that build out of the Replacement Facility can begin immediately upon HFSRB approval. If the HFSRB approves the CON Application at the March 22, 2011 HFSRB meeting, the Applicants would hope to have the Replacement Facility operational by June 30, 2011.

Importantly, review and consideration of the CON Application at the March 22, 2011 HFSRB meeting is consistent with the Health Facilities Planning Act (the "Act") and HFSRB rules. In fact, projects involving the in-center hemodialysis category of service continue to be non-substantive and subject to a 30 to 60 day review period. 77 Ill. Admin. Code 1110.40(b); 1130.610(b). Importantly, the 2009 amendments to the Act did not alter the classification of in-center hemodialysis projects or the review period. 20 ILCS 3960/12(8). The Application was deemed complete on January 10, 2011. There will be sixty days between that date and the March 22, 2011 HFSRB meeting and we would hope that sufficient time exists for HFSRB staff to review the CON Application and the other in-center hemodialysis project that was filed in early January prior to the March 22, 2011 meeting. Consideration of the CON Application at the HFSRB meeting would be consistent with the HFSRB's rules. Therefore, we respectfully request expedited review and consideration of the CON Application at the March 22, 2011 HFSRB meeting.

Thank you for your time and consideration of our request for expedited review of the Mattoon Dialysis CON Application. If you have any questions or need any additional information, please feel free to contact me.

Sincerely,



Anne Cooper

Attachment

cc: Michael Constantino  
Steve Lieb  
Marcia Sorrill  
Kara Friedman