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September 2, 2011

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**HEALTH FACILITIES &
SERVICES REVIEW BOARD**

VIA OVERNIGHT MAIL AND ELECTRONIC MAIL

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 – Woodlawn Dialysis

Dear Ms. Avery:

On behalf of DaVita Inc. and Total Renal Care, Inc. (the "Applicants"), we respectfully request that the Illinois Health Facilities and Services Review Board ("HFSRB") grant expedited review of the above-referenced Woodlawn Dialysis application for certificate of need permit (the "CON Application") and consider the CON Application at the November 22, 2011 HFSRB meeting. We recognize that based on the timing of filing of the application that this application's review does not technically need to be expedited. That is, it will be timely filed to meet the thirty day minimum review period for the November 22, 2011 agenda. Given other docket considerations that the HFSRB has to manage, however, we feel it is important for us to review the importance of placing this relocation project on the November meeting agenda for HFSRB consideration.

In filing the CON Application, the Applicants are seeking authority from the HFSRB to relocate the facility from its current location to 5060 South State Street, Chicago, Illinois. The relocation is necessary because the landlord will not renew the lease and it expires on December 31, 2011. Further, we understand the lessor has committed the property to another tenant.

As you know, the HFSRB previously approved relocation of this facility to another site. As discussed in the more specific correspondence relating to City of Chicago approvals from my colleague, Mark Nora, which is included in the application, that site was properly zoned for the planned use and had received written aldermanic approval. The approval came after the developer had extensive discussions with the Alderwoman and ward constituents, spent significant resources redesigning the site and making numerous concessions relating to the

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building design. Ultimately, the Alderwoman has rescinded her approval. This is extremely disappointing and has created a difficult situation.

In the current instance, Alderwoman Dowell, in fact, recommended the planned location which is in an existing medical office building rather than ground-up development. The Alderwoman has memorialized her support of the project and that documentation is included with the application. The Applicants and its legal counsel are being vigilant to ensure that this project can move forward.

It is essential that the Applicants obtain approval for a new location in order to continue providing necessary dialysis services to Woodlawn's patients. The Applicants will not be able to begin modification of the new site until the Board approves the CON Application. Accordingly, consideration at the November 22, 2011 HFSRB meeting is imperative for this group of almost 150 chronically-ill dialysis patients who depend on this facility to provide life-sustaining treatment three times a week.

The landlord, the University of Chicago, will not renew the lease and it expires on December 31, 2011, at which time it may be able to re-enter the premises with a forcible detainer suit. Woodlawn Dialysis serves a low-income, disabled, and vulnerable individuals that require access to care DaVita provides at Woodlawn Dialysis.

In light of these considerations, we are requesting the HFSRB staff to review the CON Application to prepare it for consideration at the November 22, 2011 HFSRB meeting.

Thank you for your time and consideration of this request. If you have any questions or need any additional information, please feel free to contact me.

Sincerely,



Anne M. Cooper

cc: Michael Constantino