



STATE OF ILLINOIS
HEALTH FACILITIES AND SERVICES REVIEW BOARD

525 WEST JEFFERSON ST. • SPRINGFIELD, ILLINOIS 62761 • (217) 782-3516 • FAX: (217) 785-4111

September 13, 2012

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Kara M. Friedman, Attorney
Polsinelli Shughart PC
161 North Clark Street, Suite 4200
Chicago, Illinois 60601

Re: **CERTIFICATE OF NEED - DENIAL**
Notice of an Opportunity for an Administrative Hearing
PROJECT NUMBER: 11-103
FACILITY NAME: Lawndale Dialysis
APPLICANTS: Davita, Inc., Total Renal Care, Inc., Cowell Dialysis, LLC

Dear Ms. Friedman:

On September 12, 2012 the Illinois Health Facilities Planning Board (HFSRB) denied Davita, Inc., Total Renal Care, Inc., Cowell Dialysis, LLC Certificate Of Need application for project number 11-103. HFSRB rendered its decision based on the following: consideration of the application, the HFSRB State Agency Report, applicant testimony, and oral and written testimony from interested parties. In addition, HFSRB's decision was also based upon the applicant's failure to document conformance with the following review criteria:

- Criterion 1110.1430(b) - Planning Area Need
- Criterion 1110.1430(c) - Unnecessary Duplication/Maldistribution

Section 10 of the Illinois Health Facilities Planning Act (the "Act"), P.A. 78-1156 as amended, [20 ILCS 3960/10] affords you the opportunity for a hearing before a hearing officer appointed by HFSRB. Such hearing shall be conducted in accordance with the provisions specified in Section 10 of the Act and the implementing rules, 77 IAC Part 1130. If you decide to exercise your right to a hearing, you must submit a written notice of a request for such hearing to the Administrator of HFSRB, postmarked within 30 days of receipt or delivery of this notice.

Please forward the written request to the following:

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

Permit #11-103

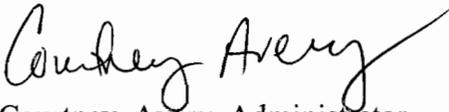
Denial Letter

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Notice to the Administrator constitutes notice to HFSRB (77 IAC 1130.1020(b)). Failure to submit your request within this period constitutes a waiver of your right to a hearing.

If you decide to exercise your right to a hearing, HFSRB, shall, within 30 days after the receipt of your request, appoint a hearing officer. The hearing will afford you the opportunity to demonstrate that the application is consistent with the criteria upon which the action of HFSRB was based. Following its consideration of the report of the hearing, or upon default of the party to the hearing, HFSRB shall render its final determination.

Sincerely,

A handwritten signature in black ink that reads "Courtney Avery". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Courtney Avery, Administrator

Illinois Health Facilities and Services Review Board

cc: Dale Galassie, Chairman