STATE OF ILLINOIS
HEALTH FACILITIES AND SERVICES REVIEW BOARD
525 WEST JEFFERSON ST. • SPRINGFIELD, ILLINOIS 62761 • (217) 782-3516 • FAX: (217) 785-4111

July 25, 2012

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Lori Wright, Senior CON Specialist
Fresenius Medical Care
One Westbrook Corporate Center, Tower One, Suite 1000
Westchester, Illinois 60154

RE: Notice of Intent to Deny
PROJECT NUMBER: 12-015
FACILITY NAME: Fresenius Medical Care Schaumburg
APPLICANTS: Fresenius Medical Care Holdings, Inc., Fresenius Medical Care Schaumburg, LLC d/b/a Fresenius Medical Care Schaumburg

Dear Ms. Wright:

On July 24, 2012, the Illinois Health Facilities and Services Review Board ("IHFSRB") issued Intent-to-Deny for the above referenced Certificate of Need application. Section 1130 of the Illinois Health Facilities Planning Act provides you an opportunity for a hearing before the State Board to appeal this decision. If you decide to appeal the State Board's action, please adhere to the requirements of 77 IAC 1130.670 (b), (c), and (d), effective September 1, 2006 as follows:

b) The applicant shall notify IHFSRB in writing and within 14 calendar days after issuance of the Notice of Intent-to-Deny, whether it intends to: 1) appear before the State Board; and/or 2) submit supplemental information. It is the responsibility of the applicant to assure that the IHFSRB is in receipt of the response within the 14 day prescribed time frame.

c) Action Following Notice of Intent to Deny

1) If the applicant waives the right to appear before IHFSRB or if a written response is not received within 14 calendar days after issuance of Intent to Deny, then the application shall be considered withdrawn.

2) If the applicant indicates that no supplemental information will be submitted, the IHFSRB shall take action on the application at its next meeting.

3) If the applicant indicates that additional documentation shall be submitted, the applicant shall be afforded a period of 30 days from

the issuance of the Notice of Intent-to-Deny to submit the material. Upon receipt of the supplemental information, IDPH shall commence a review and submit it findings to IHFSRB in accordance with the provisions of this Subpart. IDPH shall be allowed up to 60 days following the receipt of all material to review the material and issue a supplemental report.

4) Written comments submitted to IDPH from persons other that the applicant regarding a proposed project that has received Intent to Deny are ex parte and prohibited and shall not be considered. This provision does not apply to public hearing testimony or comments that are received pursuant to a provision in Subpart I (Public Hearing and Comment Procedures) or to comments or testimony that has been submitted in response to requests by IHFSRB for information to assist in consideration of the application subsequent to the Intent to Deny.

d) A project that has received a Notice of Intent-to-Deny and has been scheduled for IHFSRB consideration can be deferred by the applicant. A notice of deferral may be provided in writing prior to the scheduled IHFSRB meeting or be provided verbally at the IHFSRB meeting. An applicant may not defer IHFSRB consideration beyond an IHFSRB meeting date that is more than six months from the date the applicant received an intent-to-deny.

Should you have any questions or need additional information, please contact Mike Constantino at (217) 782-3516.

Sincerely,

Courtney Avery

Courtney Avery, Administrator
Illinois Health Facilities and Services Review Board

cc: Dale Galassie, Chairman