



Fresenius Medical Care

October 25, 2013

RECEIVED
OCT 26 2013
HEALTH FACILITIES &
SERVICES REVIEW BOARD

Madame Chair Kathy Olson
c/o Courtney Avery
Illinois Health Facilities and Services Review Board
525 W. Jefferson Street, 2nd Floor
Springfield, IL. 62761

Re: Project No. 13-049/Omissions in State Board Report

Dear Ms. Olson:

On behalf of Fresenius Medical Care, which has opposed this project, we would like to draw the Board's attention to omissions in the State Board Report ("SBR"). We do note, however, that the SBR correctly determines that the project fails to meet conformance with Part 1110 and 1120 of its rules.

The applicant is a newly formed limited liability company named Nocturnal Dialysis Spa, LLC. It is clear the owner (sole member) of the LLC is Dr. Hamid Humayun, and he appears to be financially responsible for the project (see the Financial and Economic Feasibility summary on Page 5 of the SBR which references Dr. Humayun's bank accounts and credit information).

First Omission

On page 8, the SBR states: "The applicant is a new entity no (sic) historical Medicaid or Charity Care Information is available." In fact, when Fresenius (and presumably other applicants) file applications, they do so on behalf of newly formed limited liability companies that will be the owner/operator and certified entity for each proposed clinic. However, and rightly so, Fresenius is requested to provide charity care and Medicaid information for its other owned and operated clinics, as they all have a same common ownership structure. In this instance, Dr. Humayun also owns at least one other clinic in Illinois, as noted in the SBR. He should be required to provide charity care and Medicaid information for his existing Illinois clinic(s) that he owns.

Fresenius Medical Services ♦ North Division

One Westbrook Corporate Center, Suite 1000 Westchester, IL 60154 708-562-0371

Second Omission

On page 13 the SBR states: "The applicant has identified 241 patients who would be referred to the proposed facility as they require dialysis in the next 24 months." However, Page 15 of SBR states: "Since the applicant is proposing to establish a new facility the historical utilization for this facility is not available." The criterion requires that the applicant document historical **physician (not facility) referrals** (for the past two years) and that anticipated referrals not exceed historical referrals. Physicians must certify the accuracy of the information provided. Again, applicants are required to have the physicians supporting a proposed clinic provide this information, even if the proposed clinic may be a newly formed limited liability company. There is absolutely no reason why Dr. Humayun and his associates who support the proposed clinic should not be required to provide their respective historical referral information. Also, given the focus of the project is nocturnal dialysis, it would be entirely appropriate to require Dr. Humayun and his associates to list the number of patients referred for nocturnal dialysis over the past two years.

We thank you for your consideration of our concerns.

Sincerely,

A handwritten signature in cursive script that reads "Coleen Muldoon".

Coleen Muldoon
Regional Vice President