

Andrés J. Gallegos | RSP CHICAGO

Email agallegos@rsplaw.com
Direct 312.456.0381

ROBBINS, SALOMON & PATT, LTD.
Attorneys at Law

March 1, 2011

VIA UPS OVERNIGHT DELIVERY

Mr. Dale Galassie
Chairman
Health Facilities and Services Review Board
525 West Jefferson Street, 2nd Floor
Springfield, Illinois 62761

RE: FMC - EAST AURORA: HFSRB #10-086
SUPPLEMENTAL TESTIMONY OPPOSING CON APPLICATION

Dear Mr. Galassie:

On behalf of Renaissance Management Company, LLC ("Renaissance") and its affiliates Fox Valley Dialysis, Ltd. ("Fox Valley Dialysis") and Fox Valley Medical Associates, Ltd. ("FVM", and together with Renaissance and Fox Valley Dialysis, are sometimes collectively referred to herein as "Renaissance & its Affiliates") we tender the following:

1. A supplement to the written comments (the "Supplemental Comments") tendered at the public hearing on February 24, 2011, in opposition to Fresenius Medical Care's ("FMC") East Aurora Certificate of Need (CON) application, on behalf of Renaissance & its Affiliates (attached hereto at Tab A).

Also attached, as referenced in the Supplemental Comments, please find a copy of the written comments tendered at the public hearing on behalf of Renaissance & its Affiliates, by:

2. Ms. Delia Wozniak, President, DMW and Associates, Inc., as a CON consultant to Renaissance & its Affiliates (attached hereto at Tab B);
3. Dr. Pardeep Sood, for himself and Dr. Harry Rubinstein, as principals of FVM (attached hereto at Tab C);

R | S | P
www.rsplaw.com

RSP CHICAGO
25 East Washington St. | Ste. 1000 | Chicago, Illinois 60602
General 312.782.9000 | Fax 312.782.6690

RSP GLENVIEW
2222 Chestnut Ave. | Ste. 101 | Glenview, Illinois 60026
General 847.729.7300 | Fax 847.729.7390

ROBBINS, SALOMON & PATT, LTD.

Attorneys at Law

Mr. Dale Galassie
March 1, 2011
Page 2 of 2

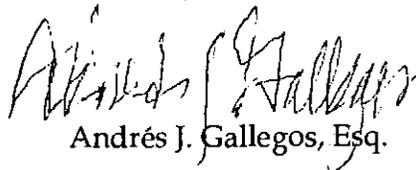
4. Mr. Calvin Ganong, Chief Operating Officer of Renaissance Management Company (attached hereto at Tab D); and
5. The undersigned, as outside corporate counsel to Renaissance & its Affiliates (attached hereto at Tab E).

Also referenced in the Supplemental Comments, and attached hereto at Tab F, is a copy of the written testimony of Ms. Gail Bumgarner, Senior Vice President, Rush-Copley Medical Center, also tendered at the public hearing in opposition to the FMC-East Aurora CON.

If you or any member of the Health Facilities and Services Review Board have any questions regarding any of the above, please do not hesitate to contact me at (312) 456-0381 or via email at agallegos@rsplaw.com.

Very truly yours,

ROBBINS, SALOMON & PATT, LTD.


Andrés J. Gallegos, Esq.

AJG/db

Enclosures

cc: Ms. Courtney Avery
Administrator, HFSRB

**Supplemental Comments
on behalf of Renaissance & its Affiliates**

In addition to the written comments tendered at the public hearing on February 24, 2011, in opposition to Fresenius Medical Care's ("FMC") East Aurora Certificate of Need (CON) application, on behalf of Renaissance & its Affiliates, we respectfully call to the attention of the Health Facilities and Services Review Board (the "Review Board") the following:

1. Dr. Dodhia's New Patient Referral Pledge Data is Misstated or Misrepresented and Requires Explanation.

In support of its CON application, Dr. Dodhia pledges to refer 59 pre-ESRD patients from zip codes 60505 and 60506 to the FMC-East Aurora facility in its first two years of operations.¹ Where will the 59 new pledged patients come from? In the most recent 2 year period (from September 10, 2008 - August 31, 2009 and from October 1, 2009 - September 30, 2010) Dr. Dodhia referred 76 new patients from those zip codes to FMC-Aurora, FMC-Oswego and Fox Valley Dialysis², while maintaining an average of 51-55 patients in 2008 and 2009 at FMC-Aurora.³ Inexplicably, by the end of the 3rd quarter 2010, his reported number of patients from those zip codes dramatically declined to just 2. To meet his pledged number of new patient referrals to FMC-East Aurora, Dr. Dodhia will either have to redirect FMC-Aurora referrals to FMC-East Aurora or somehow, miraculously, grow his 60505 and 60506 pre-ESRD patient base in a very short period of time.⁴

We respectfully submit that Dr. Dodhia should be required to provide the Review Board with a clear and precise explanation of (1) his dramatic patient loss by the end of the 3rd Quarter 2010, and (2) where will the FMC-East Aurora pledged patients will come from.

2. Maldistribution Now Exists, which if Adjusted Will Obviate the Project's Need.

While FMC is espousing the need to eliminate lengthy commutes for dialysis patients to and from their dialysis facilities and the significance of patients receiving dialysis treatments within their own communities as partial justification for the necessity of

¹ See FMC-East Aurora application, 10-086, page 53 (identified as Attachment 26b-3 thereto).

² Of the 76 new patients, 61 were referred to FMC-Aurora, 13 to FMC Oswego and 2 to Fox Valley Dialysis.

³ See page 60 of FMC-Batavia CON application 09-067 and page 50 of FMC-East Aurora CON application 10-086 (also at attachments 6 & 7 of Mr. Ganong's written comments, found at Tab D hereto).

⁴ Such growth would be unprecedented. See Mr. Ganong's written comments, page 3, the section captioned "Insufficient Growth to Support the Project and other Approved Projects," found at Tab D hereto. See, also, Ms. Wozniak's written comments, page 2, the section captioned "Insufficient Physician Patient Referrals and Practice Data, found at Tab B.

FMC-East Aurora, it has shifted either patients or data between its own facilities, creating maldistribution.

Last year, FMC reported 27 patients of Dr. Dodhia who live in West Chicago (the 60185 zip code) as receiving their dialysis treatments at FMC-Aurora. All the while, FMC-West Chicago's current utilization rate is at 26%⁵. (See Map 2A, Patient Origin, Dr. Dodhia's Practice, 2010 3Q, Exhibit 1 hereto). The MapQuest unadjusted travel distance between FMC-West Chicago and FMC-Aurora is 25-26 minutes. If those 27 patients are transferred to the FMC-West Chicago facility, which is closer to them than the FMC-Aurora facility, FMC-West Chicago's utilization rate increases to 64%, while FMC-Aurora's utilization rate then lowers to 58%. (See Map 2B, Patient Origin, Dr. Dodhia's Practice, 2010 3Q, Exhibit 2 hereto).

Similarly, 29 of Dr. Dodhia's patients that are now being treated at FMC-Aurora are from North Aurora (the 60542 zip code). (See Map 2A, Patient Origin, Dr. Dodhia's Practice, 2010 3Q, Exhibit 1 hereto). In December 2011, when FMC-West Batavia becomes operational, most, if not all of those 29 patients should be transferred to FMC-West Batavia as it will be closer than FMC-Aurora. If all 29 are transferred to FMC-West Batavia, FMC-West Batavia's utilization rate will be 40%.

Assuming the transfer of patients from FMC-Aurora to FMC-West Chicago, as suggested above, the utilization rate for FMC-Aurora declines to 38%. (See Map 2C, Patient Origin, Dr. Dodhia's Practice, 2010 3Q, Exhibit 3 hereto). In which case, FMC-Aurora will be underutilized and will have the capacity to meet the needs of the community, obviating the necessity for FMC-East Aurora and correcting the maldistribution it caused.

3. Possible Pledged Patient Overlap.

In 2009, Dr. Dodhia served only 8 patients from North Aurora (zip code 60542), at its FMC-Aurora facility. At the end of the 3rd Quarter 2010, it was reported that 29 of his patients from that zip code were being treated there. This dramatic, near overnight, spike is itself curious.

Even more curious, however, is that for the FMC-West Batavia CON 09-067, approved March 2, 2010, Dr. Dodhia also pledged 29 patients from the 60542 zip code.⁶ This pledge seems incredulous given that it eclipses the total number of ESRD patients - 25 - in existence in the entire 60542 zip code as reflected in The Renal Network's 2010 data.

⁵ Utilization rate obtained from The Renal Network, as of the 4th Quarter 2010.

⁶ See Ms. Wozniak's written comments, page 3, under the section captioned "Insufficient Physician Patient Referrals and Practice Data, found at Tab B. See also, Mr. Ganong's written comments, page 2, captioned "The Applicant Utilizes Data in Support of its Application that We believe is both Inaccurate and Inconsistent," found at Tab D.

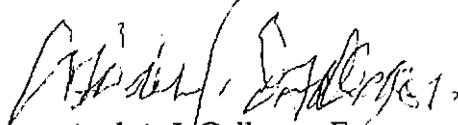
We respectfully submit that Dr. Dodhia should be required to provide the Review Board with a clear and precise explanation of (1) his dramatic spike in patients from 2009 to 2010 from the 60542 zip code, and (2) whether the 29 patients from the 60542 zip code that are now reported as receiving treatment at FMC-Aurora are the same 29 patients from that zip code that he pledged for the FMC-West Batavia CON.

4. No Overutilization Exists.

Contrary to the community need painted by FMC, ESRD patients in the community are able to obtain slots at existing dialysis facilities in and around Aurora, and no area hospital has reported that patients are kept in acute units for want of slots at chronic facilities.⁷ Counting only FMC owned units within 30 minutes from FMC-East Aurora, there exists underutilization. The 4 FMC owned units within 30 minutes from FMC-East Aurora operate at an average utilization of 60%, with 66 approved stations serving only 239 patients as of December 31, 2010, pursuant to data from The Renal Network.⁸ Thus, these facilities now have the capacity to serve an additional 77 new patients before exceeding the Review Board's 80% target utilization.

Respectfully Submitted,

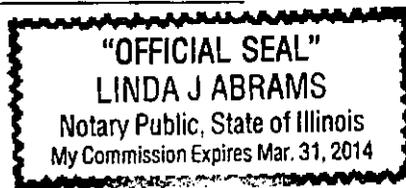
ROBBINS, SALOMON & PATT, LTD.


Andrés J. Gallegos, Esq.

AJG/db
Attachments

Subscribed and Sworn to before me
this 1st day of March, 2011.

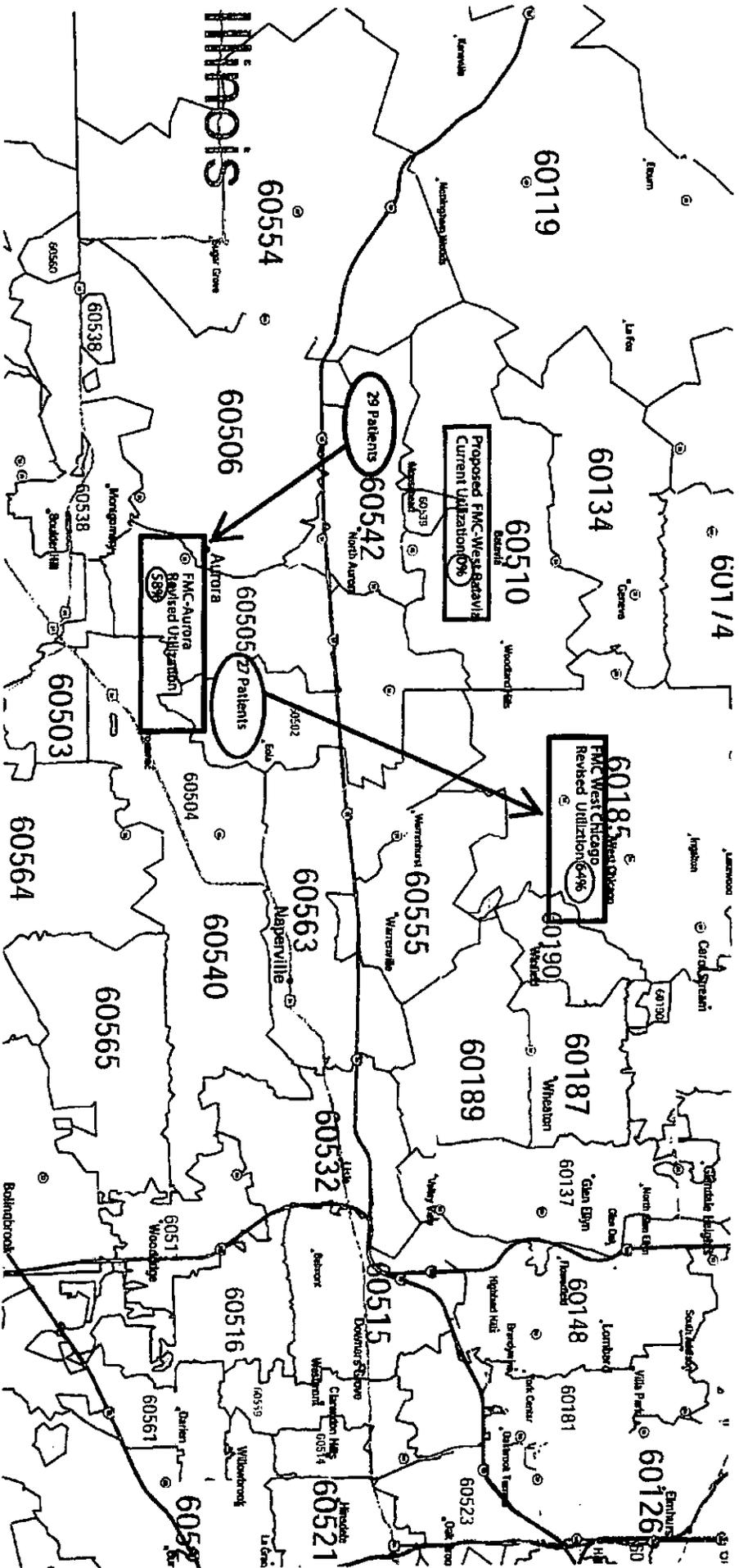

Notary Public



⁷ See written testimony of Ms. Gail Bumgarner, found at Tab F.

⁸ See Ms. Wozniak's written comments, page 1, under the section captioned "Excess Stations in the Planning Area and Available Stations in Nearby Facilities," found at Tab B. See also, written comments of Dr. Rubinstein and Dr. Sood, page 2, the section captioned "Occupancy Data," found at Tab C.

Exhibit 2
Map 2B, Patient Origin, Dr. Dodhia's Practice, 2010 3Q





Healthcare Management and Marketing

February 24, 2011

Mr. Dale Galassie
Chairman
Illinois Health Facilities and Services Review Board
525 W. Jefferson Street, 2nd Floor
Springfield, Illinois 62761

RE: Fresenius Medical Care (FMC) – East Aurora
IHSRB #10-086

Public Testimony

We urge the Health Facilities and Services Review Board (State Board) to deny this project as the data indicate that Fresenius Medical Care of East Aurora is not needed at this time. The applicant has unused and underused dialysis stations located less than 30 minutes from the proposed project. By its own admission, its new facility in West Batavia, Illinois, which is not yet operating, will have 12 stations located within the required 30 minutes travel time. Additional information in the application provided by the referring physicians indicates their practice does not have sufficient growth to support this project without significant impact on these and other facilities serving these communities.

Excess Stations in the Planning Area and Available Stations in Nearby Facilities

The new facility in East Aurora is located in Kane County in Planning Area 8. The State Board's most recent Need Determination calculates that the area has 35 excess stations. Utilization of nearby facilities in the area support this determination. Fresenius alone has five (5) unused or underused facilities within 30 minutes of the new site, as follows:

FRESENIUS FACILITIES WITHIN 30 MINUTES TRAVEL TIME OF FMC – EAST AURORA Fresenius Facilities Operating Below the Target Utilization Rate of 80%

<u>Facility</u>	<u>Distance</u>	<u>Adjusted MapQuest Travel Time (2)</u>	<u>Stations (3)</u>	<u>The Renal Network(1)</u>	
				<u>12/31/2010 Patients</u>	<u>Utilization</u>
FMC-Aurora	3.5 miles	12 minutes	24	110	76%
FMC-Naperville No.	8.3 miles	18 minutes	14	63	75%
FMC-West Batavia	9.8 miles	23 minutes	12	0	0%
FMC-Du Page West	12.1 miles	23 minutes	16	66	69%
FMC-Plainfield	16.0 miles	28 minutes	12	53	74%

- SOURCES: (1) Patient data are from The Renal Network, 2010, 4th quarter data.
 (2) Travel times are from MapQuest with a 1.15% permitted adjustment.
 (3) Stations are from the most recent State Board inventory.

As the planning area has excess stations based on the State Board's Need Determination, the application should demonstrate that current patients have problems accessing dialysis services. Therefore, the application states that four (4) current patients at FMC-Aurora will transfer to the new facility. However, the transfer of these four (4) patients from FMC-Aurora further reduces its utilization below 80%. Additionally, these four (4) patients can be easily accommodated in available stations in the area. These data dispute the claim that there are access problems in the community.

Insufficient Physician Patient Referrals and Practice Data

The applicant further supports the project with 57 pre-renal referrals from Drs. Dodhia and Fakhruddin. Within the last year, these physicians supported two other recent dialysis expansions in Aurora:

FMC-West Batavia's 12 stations (CON#09-067 granted March 2, 2010) and
FMC - Aurora's 4 additional stations (CON#10-054 granted October 26, 2010.)

Analysis of the data provided in the CON application indicates that the physicians' practice has insufficient growth to support this project without impacting other facilities. Please refer to Attachment 1, Page 1 for a summary of the physician's historical caseload since 2007. Their practice added only 16 patients between 2008 and 2010, 3rd quarter, increasing from 133 to 149 patients. As the physicians referred 189 new patients between September 2008 and September 2010, the practice needed 173 new patients to maintain status quo in this 2-year period (Attachment 1, Pages 2 & 3.) Annually, the practice needed 86.5 patients each year in this period just to replace lost patients (173 patients ÷ 2 years = 86.5 patients lost each year.)

The loss of 86.5 patients per year represents an annual patient loss rate over 60%: 86.5 patients lost ÷ 133 beginning patients = 65%. Attachment 2 adjusts the patient loss rate to 62.6% to account for the shorter time period for the practice size data of 21 months. The experienced patient loss ratio of about 60% is three times higher than the CON application's stated 20% patient discount which reduced physician pre-renal referrals from 71 to 57 patients.

With a an experienced patient loss ratio over 60% Dr. Dodhia will need to double the number of new patient referrals, from 84 patients new patients in the 12-month period ending September 2010 to 170 new patients in 2013 and 178 patients in 2014. He will need this dramatic increase in patients in order to both maintain his current practice and achieve 80% utilization of the three (3) expansion projects. See Attachment 3 for a summary of the new patient referrals required annually for each of the above three expansion projects.

Additionally, data from The Renal Network indicate that the in-center hemodialysis population living within an estimated 30 minutes of Aurora's Zip Code 60505, FMC- East Aurora's location, does not historically support the doubling of new patients in three years. In-center hemodialysis patients living within an estimated 30 minutes of the area increased 16.5% between 2007 and 2010, from 558 to 650 patients, an annual increase of only 5.2% (see Attachment 4.)

Patient origin data in the physician's referral letter raise other serious questions regarding the need for the project. The data from the referring physician, Dr. Dodhia, on his recent practice at FMC-Aurora show significant, sudden and confounding changes in his patient origin which, if accurate, indicate FMC-Aurora's utilization may be impacted by FMC-West Batavia, FMC-West Chicago, and FMC-East Aurora.

Referring back to Attachment 1 indicates that in 2010 (3rd quarter) Dr. Dodhia served 27 new patients from Zip Code 60185, West Chicago which is almost 30 minutes away. These patients may be patient transfers into FMC-Aurora as The Renal Network (TRN) shows no increase in total patients from this zip code, 30 patients in both 2009 and 2010. (Refer back to Attachment 4 for Renal Network data). This abrupt transfer of patients to FMC-Aurora merits the Board's closer examination. Without the utilization of these 27, first-time patients from West Chicago, FMC-Aurora would be seriously underutilized at 58%. Furthermore, as FMC-West Chicago is much closer for these 27 patients, and only 26% utilized, it seems likely that many of these patients may request transfers. See Attachment 5 on travel time and occupancy data for FMC-West Chicago.

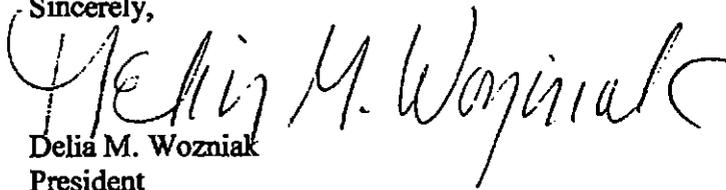
Similarly, data in Attachment 1 indicate that Dr. Dodhia served 29 patients from Zip Code 60542 in North Aurora at FMC-Aurora in 2010 (3rd quarter) but only eight (8) patients in 2009. Therefore, 21 of these patients are new patients. As Dr. Dodhia pledged 29 pre-renal patients from Zip Code 60542 to support the FMC-West Batavia CON#09-067, approved March 2, 2010, we suggest the State Agency ensure there is no overlap in these two patient populations. (See Attachment 6 for Dr. Dodhia's pledge of 29 pre-renal referrals for CON Permit #09-067, FMC-West Batavia.) Again, Renal Network data show no major changes in patients from this zip code, 27 patients in 2009 and 25 patients in 2010 (refer back to Attachment 4.)

Finally, the data in Attachment 1 show that Dr. Dodhia lost virtually his entire Aurora-based practice at FMC-Aurora by 2010 (3rd quarter). In 2009 he served 51 patients in Aurora's two Zip Codes 60505 and 60506. In 2009 he only served two (2) patients in these two Aurora zip codes. However, of Dr. Dodhia's 71 identified pre-renal referrals, 59 emanate from these two Aurora zip codes. Therefore, we ask the State Agency to ensure there is no overlap in these two patient populations. (See Attachment 7 for these pre-renal referrals to FMC-East Aurora.)

The CON application to establish FMC-East Aurora does not demonstrate that the community has a problem accessing needed in-center hemodialysis services. Additionally, the data appear to indicate that the project will adversely impact existing facilities.

I strongly support the State Board's mandate to promote the reasonable development of health care facilities. However, I believe this project is premature at best. I ask the State Board to consider this evidence and deny the project.

Sincerely,



Delia M. Wozniak
President

CC: Ms. Courtney, Avery
Administrator, HFSRB

EMC - EAST AURORA CON APPLICATION - DR. DODDIA'S & FAKRUDDIN'S HISTORICAL CASELOAD

ATTACHMENT 1, Page 1

Existing Patients - End of Year 2007					Existing Patients - End of Year 2008					Existing Patients - End of Year 2009					Existing Patients - End of Q3 2010				
Case ID	FMC Aurora	FMC Oswego	FMC Sandwich	Fox Valley	Case ID	FMC Aurora	FMC Oswego	FMC Sandwich	Fox Valley	Case ID	FMC Aurora	FMC Oswego	FMC Sandwich	Fox Valley	Case ID	FMC Aurora	FMC Oswego	FMC Sandwich	Fox Valley
60042	1				60042	1				60042					60042				
60106					60106					60106					60106				
60115					60115					60115					60115				
60119					60119					60119					60119				
60120					60120					60120					60120				
60123					60123					60123					60123				
60134					60134					60134					60134				
60137					60137					60137					60137				
60174					60174					60174					60174				
60177					60177					60177					60177				
60178					60178					60178					60178				
60185					60185					60185					60185				
60431					60431					60431					60431				
60446					60446					60446/60647					60446				
60503					60503					60503					60503				
60504					60504					60504					60504				
60505					60505					60505					60505				
60506					60506					60506					60506				
60510					60510					60510					60510				
60512					60512					60512					60512				
60520					60520					60520					60520				
60538					60538					60538					60538				
60540					60540					60540					60540				
60541					60541					60541					60541				
60542					60542					60542					60542				
60543					60543					60543					60543				
60545					60545					60545					60545				
60548					60548					60548					60548				
60551					60551					60551					60551				
60552					60552					60552					60552				
60554					60554					60554					60554				
60560					60560					60560					60560				
60563					60563					60563					60563				
60565					60565					60565					60565				
60586					60586					60586					60586				
60605					60605					60605					60605				
61378					61378					61378					61378				
60644					60644					60644					60644				
62701					62701					62701					62701				
TOTALS	89	25	0	18	79	42	0	12	72	43	1	9	86	34	1	20	9		

SOURCE: CON APPLICATION #10-046, Dr. Doddia's Internal Letter, Pages 50 - 53.

**NEW REFERRALS OF DR. DODHIA'S PRACTICE FOR TIME PERIOD
10/01/09 THROUGH 09/30/2010**

Fresenius Aurora		Fresenius Oswego		Fresenius Sandwich		Fox Valley Dialysis	
Zip Code	Patients	Zip Code	Patients	Zip Code	Patients	Zip Code	Patients
60181	1	60431	2	60115	1	60504	1
60185	1	60446	1	60520	1	60544	1
60504	2	60505	3	60538	1	Total	2
60505	16	60506	1	60545	2		
60506	17	60538	1	60548	2		
60510	1	60543	2	60551	1		
60515	1	60545	1	60560	2		
60520	1	60552	1	Total	10		
60542	11	60560	5				
60554	1	60565	1				
60560	1	Total	18				
60563	1						
Total	54			Total	84		

PATIENTS OF DR. DODHIA'S PRACTICE AT YEAR END 2007

FRESENIUS AURORA		FRESENIUS OSWEGO		FOX VALLEY	
Zip Code	Patients	Zip Code	Patients	Zip Code	Patients
60506	31	60560	5	60543	3
60505	27	60543	5	60548	2
60542	6	60548	4	60505	1
60504	3	60538	4	60560	2
60538	3	60545	3	60504	3
60510	2	60506	3	60554	1
60543	2	60505	1	60506	1
60554	2		25		13
60042	1				
60106	1				
60123	1				
60174	1				
60177	1				
60178	1				
60560	1				
	83				

Total 2007 - 121

SOURCE: CON application FMC-East Aurora, #10-086, Page 50.

**ADMISSIONS OF DR. DODHIA'S PRACTICE FOR THE PREVIOUS
TWELVE MONTHS - 09/01/2008 THROUGH 08/31/2009**

ZIP CODE	FRESENIUS AURORA	FRESENIUS OSWEGO	FRESENIUS SANDWICH	FOX VALLEY DIALYSIS	TOTAL
60018	1				1
60076		1			1
60119	1				1
60120	1				1
60134		1			1
60174	1				1
60187		1			1
60404		1	1		2
60431		1			1
60436		1			1
60453	1				1
60503		1			1
60504		3		2	5
60505	15	5		1	21
60506	13	4		1	18
60516	1				1
60531		1			1
60538	2	3			5
60542	3	4			7
60543	1	4			5
60545		3	2		5
60548	1	2	7		10
60551			1		1
60552		1	1		2
60554	1			1	2
60560		3		1	4
60586		2			2
60644		1			1
61364		1			1
61378			1		1
TOTAL	42	44	13	6	105

SOURCE: CON application FMC-West Batavia, #09-067, Page 60.

ATTACHMENT 2

FMC-EAST AURORA CON APPLICATION #10-086 PATIENT REPLACEMENT RATE

Methodology for adjusting the patient loss ratio

The adjusted patient loss ratio is obtained by:

- Multiply the average monthly new patient referrals for the period of 9/2008 – 8/2009 of 8.75×8 months = 70 patients for the period of 1/2009 – 8/2009
- Add to the 84 new patient referrals for the period of 10/2009 – 9/2010.
 $70+84=154$ patients.
- Divide by 20 months $154 \div 20 = 7.7$ patients/month.
- Adjust for the missing month (September 2009) by adding 7.7 to 154 = 161.7, the total new patient referrals for the period of 1/2009 – 9/2010
- Subtract 16 new patients $161.7 - 16 = 145.7$
- Divide 145.7 by 21 months ($145.7 \div 21 = 6.94$ patient/month)
- Multiply $6.94 \times 12 = 83.3$, the number of new patient referrals required to maintain Dr. Dohdia's practice at 133 patients on an annual basis.
- Divide 83.3 by 133 to obtain the patient loss ratio of 62.6%

FMC – EAST AURORA DIALYSIS

CON Application #10-086

NEW PATIENT REFERRALS REQUIRED PER YEAR

	2011	2012	2013	2014	2015
NEW PATIENTS					
FMC-Aurora 10-054 - 4 Stations	9.6	9.6			
FMC-Batavia 09-067 – 12 stations		28.8	28.8		
FMC-East Aurora 10-086 – 12 stations			28.8	28.8	
PATIENT REFERRALS DUE TO LOSS RATIO (62.6%)					
Current Practice Base	83.3	83.3	83.3	83.3	83.3
FMC-Aurora – 4 stations		6.0	12	12	12
FMC-Batavia – 12 stations			18	36	36
FMC-East Aurora – 12 stations				18	36
GRAND TOTAL	92.2	127.7	170.9	178.1	167.3

SOURCE: Renaissance Management

NOTES: These projections assume the following:

- Projects will be completed within 2 years of State Board approval, with the exception of CON #10-054 which as of this date is complete.
- Projects will achieve 80% utilization by the end of second year of operation, a CON standard.
- One-half (50%) of the target patient growth will be achieved in year 1 and 50% by the end of year 2.
- The referring physician's experienced patient loss ratio of 62.6% remains unchanged.

Data from The Renal Network indicate that this model provides a much more accurate and realistic understanding of the number of new patient referrals required to maintain current practice volume and achieve 80% utilization of each expansion project. The Renal Network data indicate that the in-center hemodialysis population living within an estimated 30 minutes of Aurora's Zip Code 60505, FMC- East Aurora's location, increased 16.5% between 2007 and 2010, from 558 to 650 patients, an annual increase of only 5.2% (see Attachment 4.)

We believe that this model demonstrates that the referring physician's practice cannot support doubling new patients in three years, and therefore cannot support this project. We believe that these projections provide a much clearer understanding of the true community need for dialysis services and the need for new dialysis stations.



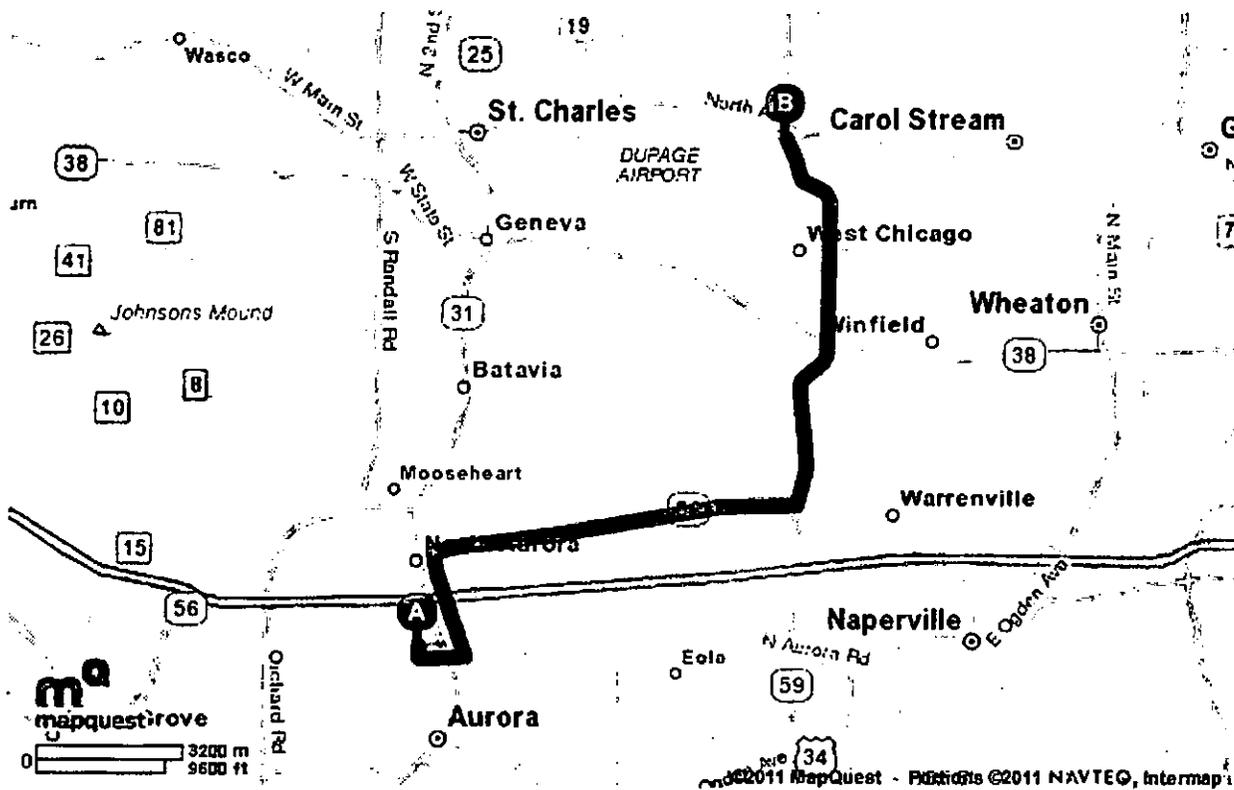
Notes

FMC-Aurora to FMC-West Chicago

Trip to:
1855 N Neltnor Blvd
West Chicago, IL 60185-5900
15.98 miles
25 minutes

	455 Mercy Ln Aurora, IL 60506-2462	Miles Per Section	Miles Driven	
	1. Start out going SOUTH on MERCY LN toward W NEW INDIAN TRAIL CT.	Go 0.2 Mi	0.2 mi	
	2. Turn LEFT onto W INDIAN TRL.	Go 0.8 Mi	1.0 mi	
		3. Turn LEFT onto AURORA AVE / IL-25. Continue to follow IL-25. <i>IL-25 is 0.3 miles past N LAKE ST</i>	Go 1.9 MI	2.9 mi
		4. Turn RIGHT onto BUTTERFIELD RD / IL-56. <i>BUTTERFIELD RD is 0.1 miles past E STATE ST</i>	Go 6.2 MI	9.0 mi
		5. Turn LEFT onto IL-59. <i>IL-59 is just past BUTTERFIELD RD</i>	Go 6.9 MI	16.0 mi
	6. 1855 N NELTNOR BLVD. <i>Your destination is 0.1 miles past HERITAGE WOODS DR</i>		16.0 mi	
	1855 N Neltnor Blvd West Chicago, IL 60185-5900	16.0 mi	16.0 mi	

Total Travel Estimate: 15.98 miles - about 25 minutes



All rights reserved. Use subject to License/Copyright

Directions and maps are informational only. We make no warranties on the accuracy of their content, road conditions or route usability or expeditiousness. You assume all risk of use. MapQuest and its suppliers shall not be liable to you for any loss or delay resulting from your use of MapQuest. Your use of MapQuest means you agree to our [Terms of Use](#)

Region	Provider #	Facility Name	Hemo Stations	M/W/F Shifts	TTS Shifts	In-Center Hemo Patients	Home Hemo Patients	CAPD Patients	
	142714	ROBINSON DIALYSIS	8	1	0	15	0	0	0
	140074	ROBINSON DIALYSIS	8	1	0	1	0	0	0
IL-6	140018	MT SINAI HOSP MED CTR RENAL UNIT	11	4	3	68	0	0	0
IL-6	14003F	JESSE BROWN VA MEDICAL CENTER-WESTSIDE	8	2	2	47	0	0	0
IL-6	140088	UNIVERSITY OF CHICAGO - WOODLAWN	19	4	4	137	0	0	0
IL-6	140117	RESURRECTION MEDICAL CENTER	14	3	3	56	0	0	0
IL-6	140119	RUSH-UNIVERSITY-ST LUKES MED CTR	5	2	2	10	0	0	0
IL-6	140124	JOHN H. STROGER HOSPITAL OF COOK COUNTY	6	3	3	101	0	0	0
IL-6	140150	UNIVERSITY OF ILLINOIS HOSPITAL - DIALYSIS	26	3	3	130	5	4	17
IL-6	142501	FMC - NEOMEDICA - NORTH KILPATRICK	20	3	3	114	0	0	0
IL-6	142502	FMC - NEOMEDICA - LOOP	24	2	2	102	30	11	4
IL-6	142505	DSI - LOOP RENAL CENTER	28	2	2	72	0	6	1
IL-6	142506	FMC - CHICAGO DIALYSIS CENTER	33	3	2	68	0	0	0
IL-6	142508	FMC - SOUTHSIDE DIALYSIS CENTER	39	3	3	191	0	0	0
IL-6	142516	FMC - JACKSON PARK DIALYSIS CENTER	24	3	3	117	0	0	0
IL-6	142519	FMC - NEOMEDICA - SOUTH	36	3	3	173	0	0	0
IL-6	142522	FMC - ROGERS PARK	20	3	2	79	0	0	0
IL-6	142523	FMC - NEOMEDICA - WEST BELMONT	10	3	3	39	1	0	0
IL-6	142524	FMC - BRIDGEPORT	27	3	3	114	0	1	0
IL-6	142528	DAVITA - LINCOLN PARK NEPHROLOGY ASSN, SC	22	3	3	105	0	0	0
IL-6	142529	EMERALD DIALYSIS	24	3	3	128	0	0	5
IL-6	142531	FMC - NORTHCENTER DIALYSIS	12	3	3	69	1	0	0
IL-6	142534	DAVITA - LOGAN SQUARE DIALYSIS SVCS INC	20	3	3	109	0	0	0
IL-6	142536	FMC - WEST METRO DIALYSIS	30	3	3	168	4	6	15
IL-6	142540	CIRCLE MEDICAL MANAGEMENT	26	3	2	119	6	6	8
IL-6	142555	FMC - GARFIELD	22	3	2	103	0	6	2
IL-6	142560	DAVITA - SKYLINE HOME DIALYSIS	0	0	0	2	0	6	15
IL-6	142566	FMC - NEOMEDICA - MARQUETTE PARK	14	3	3	79	0	0	0
IL-6	142569	FMC - PRAIRIE	27	3	2	89	0	0	0
IL-6	142572	FMC - NEOMEDICA - SOUTH SHORE	16	3	3	80	1	0	0
IL-6	142597	FMC - NORTHWESTERN	44	3	3	194	0	3	20
IL-6	142600	NEPHRON DIALYSIS CENTER LTD	12	3	3	74	0	0	0
IL-6	142601	FMC - GREENWOOD AVENUE DIALYSIS CENTER	28	2	2	156	0	5	0
IL-6	142604	CHILDRENS DIALYSIS CENTER	6	2	2	18	0	0	10
IL-6	142607	FMC - NEOMEDICA - HAZELCREST	16	3	2	70	0	0	0
IL-6	142618	FMC - SKOKIE DIALYSIS	14	3	2	60	3	3	15
IL-6	142621	FMC - MIDAMERICA EVANSTON	20	3	2	66	0	0	0
IL-6	142622	DSI - HAZELCREST	16	4	3	83	0	0	0
IL-6	142626	NORTHWEST P. D. KARE	0	0	0	0	0	1	9
IL-6	142628	DSI - ARLINGTON HEIGHTS	18	3	2	55	2	0	0
IL-6	142630	FMC - ALSIP DIALYSIS CENTER	16	3	1	64	0	0	0
IL-6	142631	FMC - DIALYSIS SERVICES OF CONGRESS PARKWAY	30	3	2	108	0	0	0
IL-6	142635	DAVITA - CHICAGO HEIGHTS DIALYSIS	16	4	3	79	0	0	1
IL-6	142638	BEVERLY DIALYSIS	10	3	3	52	0	0	0
IL-6	142641	FMC-DIALYSIS SERVICES OF BURBANK	22	3	3	115	0	0	0
IL-6	142644	MAPLE AVENUE KIDNEY CENTER	12	3	3	65	0	6	11
IL-6	142646	GARFIELD KIDNEY CENTER	16	3	3	92	0	0	0
IL-6	142649	MONTCLARE DIALYSIS	16	3	3	75	0	0	0
IL-6	142653	FMC - AUSTIN COMMUNITY KIDNEY CENTER	16	1	3	50	0	0	0
IL-6	142654	DSI - SCHALMIBURG	14	3	3	69	0	0	0
IL-6	142655	DIRECT DIALYSIS	6	3	3	63	4	0	0
IL-6	142659	SUMMIT MEDICAL CARE	0	0	0	1	0	12	0
IL-6	142660	DAVITA DIALYSIS MT GREENWOOD	16	3	3	77	4	3	3
IL-6	142661	STONY CREEK DIALYSIS	12	1	1	63	0	0	0
IL-6	142663	CENTER FOR RENAL REPLACEMENT, LLC	16	3	3	66	0	0	2
IL-6	142667	FMC - MERRIONETTE PARK	16	3	3	88	0	5	4
IL-6	142668	DAVITA - LITTLE VILLAGE DIALYSIS	16	3	3	84	0	0	0
IL-6	142670	FMC - ROSS DIALYSIS - ENGLEWOOD	20	3	2	86	2	0	0
IL-6	142676	AFFILIATED DIALYSIS CENTERS	0	0	0	5	397	0	0
IL-6	142679	FMC-NA LAKEVIEW DIALYSIS	10	3	3	59	0	0	1
IL-6	142681	FMC - CHICAGO WESTSIDE DIALYSIS	31	1	0	62	0	0	0
IL-6	142684	PRS, LLC	1	0	0	13	50	0	0
IL-6	142687	WELLBOUND OF EVANSTON	0	1	1	3	8	3	25
IL-6	142690	FMC - ROSELAND DIALYSIS	12	1	0	59	0	0	0
IL-6	142691	KENNEDY HOME DIALYSIS	5	1	0	0	6	0	0
IL-6	142692	FMCNA - UPTOWN	12	2	1	41	0	0	0
IL-6	142698	COMMUNITY DIALYSIS OF HARVEY	16	3	2	71	0	0	0
IL-6	142718	FMC - MIDWAY DIALYSIS	12	1	0	14	0	0	0
IL-6	143523	DAVITA - LAKE PARK DIALYSIS	19	3	3	121	0	0	1
IL-6	143514	DAVITA - WOODLAWN HOME DIALYSIS	5	4	4	5	4	0	33
IL-6	143527	DAVITA - STONEY ISLAND DIALYSIS	24	4	4	132	0	0	0
IL-7	14007F	VA MEDICAL CENTER - MWRB	17	2	2	51	0	5	0
IL-7	140276	FOSTER MCGAW HOSPITAL OF LOYOLA	30	3	3	149	0	11	9
IL-7	142503	FMC - DOWNERS GROVE DIALYSIS CENTER	19	3	3	100	0	0	0
IL-7	142504	FMC - OAK PARK DIALYSIS UNIT	32	3	3	130	1	2	1
IL-7	142507	FMC - ELK GROVE DIALYSIS CTR	28	3	3	142	0	0	0
IL-7	142509	FMC - OF DUPAGE WEST	16	3	2	66	0	5	10
IL-7	142511	DSI - EVANSTON RENAL CENTER	18	3	2	52	0	0	0
IL-7	142515	FMC - AURORA DIALYSIS CENTER	14	4	4	110	1	7	2
IL-7	142517	FMC - SOUTH SUBURBAN	27	3	3	142	0	4	12
IL-7	142518	DSI - SCOTTSDALE	32	3	3	154	2	11	2
IL-7	142520	FMC OF WESTCHESTER	14	3	2	91	0	0	0
IL-7	142521	FMC - NORRIDGE	18	3	2	56	0	0	0

✱
✱

CON 09-067

PRE - ESRD PATIENTS DR. DODHIA EXPECTS TO REFER TO FRESenius
MEDICAL CARE BATAVIA BY 2 YEARS (24 MONTHS)
AFTER PROJECT COMPLETION

Zip Code	Patients
60119	6
60134	1
60174	1
60175	3
60510	19
60542	29
60554	24
Total	83

SOURCE: CON Application FMC-West Batavia, #09-067, Page 59
CON permit granted 3/2/10.

PATIENTS OF DR. DODHIA'S PRACTICE 3rd QUARTER 2010

Fresenius Aurora		Fresenius Oswego		Fresenius Sandwich		Fox Valley Dialysis	
Zip Code	Patients	Zip Code	Patients	Zip Code	Patients	Zip Code	Patients
60119	2	60134	1	60115	1	60543	2
60123	2	60431	1	60506	1	60560	1
60137	11	60446	1	60520	1	60504	5
60174	1	60503	1	60538	1	60505	1
60177	1	60505	7	60545	4	Total	9
60185	27	60506	3	60548	7		
60503	1	60538	7	60551	2		
60504	2	60543	7	60560	2		
60505	1	60545	2	61378	1		
60506	1	60552	1	Total	20		
60510	1	60560	1				
60520	1	60565	1				
60538	3	60644	1				
60542	29	Total	34				
60554	1						
60560	1						
60563	1						
Total	86			Total	149		

PRE-ESRD PATIENTS DR. DODHIA EXPECTS TO REFER TO FRESENIUS MEDICAL CARE EAST AURORA IN THE FIRST TWO YEARS OF OPERATION

Pre-ESRD

Zip Code	Patients
60502	4
60503	2
60504	4
60505	26
60506	33
60507	2
Total	71

Transfers

Zip Code	Patients
60505	4

SOURCE: CON Application FMC-East Aurora, #10-086, Page 53.

February 24, 2011

Mr. Dale Galassie
Chairman
Illinois Health Facilities and Services Review Board
525 W. Jefferson Street, 2nd Floor
Springfield, Illinois 62761

RE: Fresenius Medical Care (FMC) – East Aurora
IHSRB #10-086
Public Testimony in Opposition

Dear Mr. Galassie:

The undersigned are nephrologists serving the needs of the dialysis community in Aurora, the proposed service area of the Fresenius Medical Care's project in East Aurora. The area has underused dialysis stations located less than 30 minutes from the proposed project. Therefore, the proposed project by Fresenius Medical Care in East Aurora wastes precious health care resources.

The applicant attempts to justify the need for the project with 71 pre-renal patient referrals from Dr. Dodhia (which they discount 20% to 57 pre-renal patients) and four (4) patient transfers from FMC-Aurora. However, information from The Renal Network indicates that FMC-Aurora does not have an extra four (4) patients to transfer without negatively impacting its own utilization. While the CON application does not state the number of patients FMC-Aurora had on 12/31/10, the applicant states it's utilization is 83%, which computes to 120 patients. If that were correct, that occupancy level would allow for the transfer of four (4) patients while permitting FMC-Aurora to maintain the required 80% utilization. However, it is not correct. The Renal Network data indicates that FMC-Aurora is not at 80% occupancy, but rather it posted only 110 hemodialysis patients and 10 home patients on 12/31/10. Therefore these four (4) transfers, which FMC East Aurora relies upon to support its East Aurora application, will negatively impact FMC-Aurora's utilization.

As the Illinois Health Facilities and Services Review Board's Need Determination, dated as of January 18th, 2011, shows numerous excess stations in Planning Area 8, the applicant needs to find current patients to justify the establishment of yet another new 12-station facility in the area. In its attempt to justify the need for the project the applicant provided the following other travel time and utilization data, which, however, is not accurate.

Travel Time Data

The applicant has a new, nearby facility not yet opened. This facility, FMC-West Batavia Dialysis, is only 20 minutes directly north of the proposed project (see attachment 1). Even adjusting for heavier traffic and increasing the travel time by 1.15, as permitted by the State Board, the trip is not nearly 30 minutes. And therefore, we request that the Review Board also include FMC – West Batavia as a possible alternative to the project and consider its underutilization when assessing the project.

The Review Board should advise the applicant to wait at least until the nearby FMC-West Batavia facility is 80% occupied before it approves another facility in the community. FMC-West Batavia is a plausible alternative due both to its proximity and lack of patients. FMC-West Batavia should be 80% occupied before establishing another facility in the area.

Occupancy Data

Another four (4) of the applicant's nearby facilities are underutilized. Each of these facilities is within the 30 minutes required travel time.

UNDERUTILIZED
FRESENIUS FACILITIES WITHIN 30 MINUTES TRAVEL TIME OF
FMC - EAST AURORA

<u>Facility</u>	<u>Distance</u>	<u>MapQuest Travel Time</u>	<u>The Renal Network</u>		<u>CON Application</u>
			<u>12/31/2010</u>	<u>12/31/2010</u>	<u>Utilization Rate</u>
			<u>Patients</u>	<u>Utilization</u>	
FMC-Aurora 455 Mercy Lane Aurora, IL. (60506)	3.52 miles	12 minutes	110	76%	83%
FMC-Naperville No. 516 W. 5 th Ave. Naperville, IL. (60563)	8.3 miles	18 minutes	63	75%	81%
FMC-Du Page West 450 E. Roosevelt Rd. West Chicago, IL (60185)	12.1 miles	23 minutes	66	69%	78%
FMC-Plainfield 2300 Michas Drive Plainfield, IL 60586	16.02 miles	28 minutes	53	74%	Omitted From CON

Patient data are from The Renal Network, 2010, 4th quarter data. Travel times are from MapQuest with a 1.15% permitted adjustment.

The applicant does not explain these utilization discrepancies. Perhaps the applicant revised its utilization with The Renal Network after the data were first released. It is curious that all the errors are in their favor.

Again, we suggest that the Review Board should wait until FMC-West Batavia opens and is 80% utilized since the opening of FMC-West Batavia will affect FMC-Aurora's utilization. Of FMC-Aurora's 110 hemodialysis patients, 29 patients are Dr. Dodhia's patients from North Aurora (60542) (CON #09-067, Page 59 - see attachment 2). Many of these patients will probably transfer to the new, closer FMC-West Batavia when it opens. At least some of these patients were probably the pre-renal patients pledged by

Dr. Dodhia in establishing FMC-West Batavia last year as Dr. Dodhia only had eight (8) patients from North Aurora in FMC-Aurora in 2009 For documentation that Dr. Dodhia served only 8 patients from North Aurora in 2009 (see attachment 2A).

FMC-Aurora has another 27 patients of Dr. Dodhia's from West Chicago (60185.) These 27 patients live much closer to its FMC-West Chicago facility which is only 26% utilized. A question arises as to why none of these 27 patients were served by FMC-Aurora until this year.

Beyond this concern, the applicant submitted an independent travel study showing that these following three (3) underutilized facilities may be over 30 minutes travel time (Yorkville Dialysis; Tri-Cities Dialysis; and FMC-West Chicago), as follows:

<u>Facility</u>	<u>Distance</u>	<u>MapQuest Travel Time</u>	<u>Stations</u>	<u>12/31/2010 Patients</u>	<u>12/31/2010 Occupancy</u>
FMC-West Chicago	15.4 miles	28 minutes	12	19	26%
Tri-Cities	11.3 miles	25 minutes	18	70	65%
Yorkville	14.7 miles	28 minutes	8	12	25%

We will conduct our own independent travel study to either corroborate or dispute these travel times and supplement this letter accordingly.

It is, in our opinion, demonstrably clear, that our service area and its nearby communities have more than an adequate number of available stations! These facilities can easily serve the project's proposed 61 pre-renal patients, and if four (4) of FMC-Aurora's patients wish to transfer to another facility; they have numerous facilities from which to choose.

We see no need to add stations in an area that is already sufficiently well served.

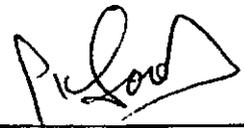
Thank you for your consideration of our comments.

Sincerely,

Sincerely,



Harry Rubinstein, M.D.
President
Fox Valley Medical Associates, Ltd



Pardeep Sood, M.D.
Vice President
Fox Valley Medical Associates, Ltd



NOTARY



NOTARY





Notes
Attachment 1

Trip to 1998 W Fabyan Pkwy
Batavia, IL 60510-1215
9.78 miles - about 20 minutes

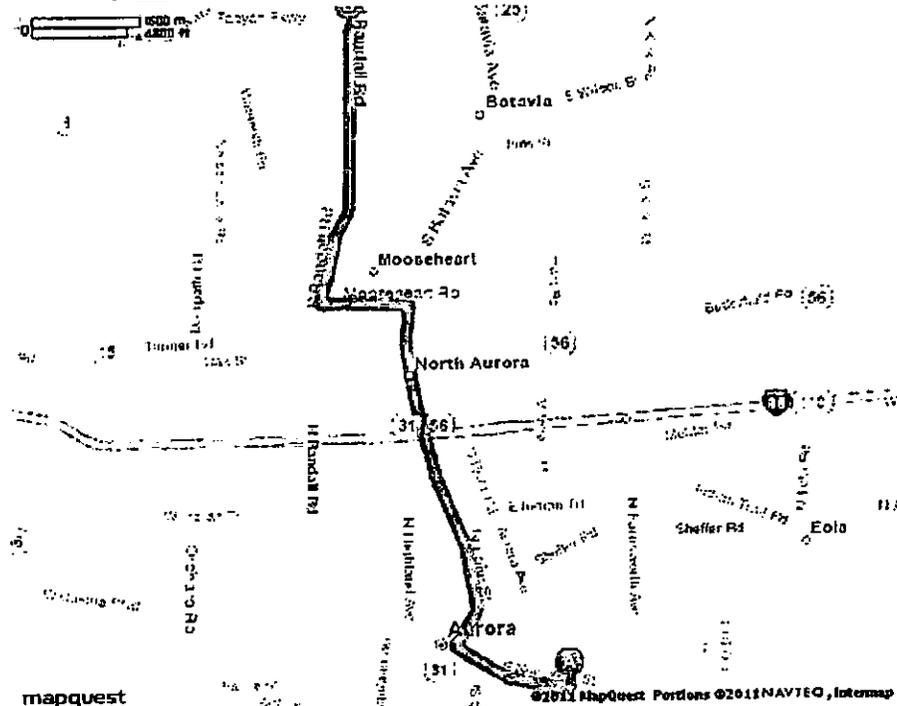
★ 924 E New York St, Aurora, IL 60505-3724

-  1. Start out going **NORTHWEST** on E NEW YORK ST toward N SMITH ST. go 1.4 mi
-  2. Turn **RIGHT** onto N LAKE ST / IL-31. Continue to follow IL-31. go 4.2 mi
-  3. Turn **LEFT** onto MOOSEHEART RD / CR-71. go 1.0 mi
-  4. Turn **SLIGHT RIGHT** onto S RANDALL RD / CR-34 N. Map go 3.3 mi
-  5. Turn **RIGHT** onto W FABYAN PKWY / CR-8 E. go 0.0 mi
-  6. 1998 W FABYAN PKWY is on the **RIGHT**. go 0.0 mi

★ 1998 W Fabyan Pkwy, Batavia, IL 60510-1215

Total Travel Estimate : 9.78 miles - about 20 minutes

Route Map [Hide](#)



All rights reserved. Use subject to License/Copyright | [Map Legend](#)

Directions and maps are informational only. We make no warranties on the accuracy of their content, road conditions or route usability or expeditiousness. You assume all risk of use. MapQuest and its suppliers shall not be liable to you for any loss or delay resulting from your

ATTACHMENT 2

PRE - ESRD PATIENTS DR. DODHIA EXPECTS TO REFER TO FRESenius
MEDICAL CARE BATAVIA BY 2 YEARS (24 MONTHS)
AFTER PROJECT COMPLETION

Zip Code	Patients
60119	6
60134	1
60174	1
60175	3
60510	19
60542	23
60554	24
Total	83

Source: CON Application 09-067, Dr. Dodhia's Patient Referral Letter

FMC - EAST AURORA CON APPLICATION - DR. DODDIA'S & FARRUDDIN'S HISTORICAL CASELOAD

ATTACHMENT 2A

Existing Patients - End of Year 2002					Existing Patients - End of Year 2008					Existing Patients - End of Year 2009					Existing Patients - End of Q3 2010				
	Aurora	Oswego	Sandwich	Fox Valley		Aurora	Oswego	Sandwich	Fox Valley		Aurora	Oswego	Sandwich	Fox Valley		Aurora	Oswego	Sandwich	Fox Valley
60002					60042					60042					60042				
60106	1				60106					60106					60106				
60115					60115					60115					60115				
60119					60119					60119					60119				
60120					60120					60120					60120				
60123					60123					60123					60123				
60134	1				60134					60134					60134				
60137					60137					60137					60137				
60174	1				60174					60174					60174				
60177	1				60177					60177					60177				
60178	1				60178					60178					60178				
60185					60185					60185					60185				
60431					60431					60431					60431				
60446					60446					60446					60446				
60503					60503					60503					60503				
60504					60504					60504					60504				
60505	27				60505					60505					60505				
60506	31				60506					60506					60506				
60510	2				60510					60510					60510				
60512					60512					60512					60512				
60530					60530					60530					60530				
60538	3				60538					60538					60538				
60540					60540					60540					60540				
60541					60541					60541					60541				
60542					60542					60542					60542				
60543	7				60543					60543					60543				
60545					60545					60545					60545				
60548					60548					60548					60548				
60551					60551					60551					60551				
60552					60552					60552					60552				
60554					60554					60554					60554				
60560					60560					60560					60560				
60563	2				60563					60563					60563				
60565					60565					60565					60565				
60586					60586					60586					60586				
60605					60605					60605					60605				
61378					61378					61378					61378				
60644					60644					60644					60644				
62701					62701					62701					62701				
TOTALS	83	25	0	13	TOTALS	79	42	0	12	TOTALS	72	43	12	9	TOTALS	85	34	20	9

SOURCE: CON APPLICATION #10-086, Dr. Doddia's Referral Letter, Pages 50 - 51.

RENAISSANCE

Management Co., L.L.C.

February 24, 2011

Mr. Dale Galassie
Chairman
Health Facilities and Services Review Board
525 West Jefferson Street, 2nd Floor
Springfield, Illinois 62761

Re: Public Hearing Testimony Opposing FMC – East Aurora: HFSRB #10-086

Dear Mr. Galassie:

We ask the Health Facilities and Services Review Board (the "Review Board") to deny the FMC – East Aurora's Certificate of Need (CON) application. The Review Board should deny this application for 3 reasons: (1) the project proposes to establish another 12-station in-center hemodialysis facility in the Aurora community before similar projects serving virtually the same population have reached target utilization, (2) the applicant utilizes data in support of its application that we believe is both inaccurate and inconsistent, and (3) the data further indicates that there are not sufficient patients in these communities to support all these stations.

Area Facilities Are Either Not Yet Operational Or Are Not At Target Utilization

One year ago, the Review Board approved FMC-West Batavia (CON permit #09-067), a new 12-station facility to be located only, approximately 20 minutes, from the proposed East Aurora project. MapQuest studies show the FMC West Batavia project is 20 minutes directly north of the proposed FMC East Aurora project. In measuring travel time the CON rules permit increasing MapQuest travel time by 15%. With this adjustment the FMC-West Batavia facility is still under 23 minutes from the proposed FMC-East Aurora site. (see attachment 1). This project, by the applicant's own admission, is 12 months away from becoming operational, and when it becomes operational it will serve as a plausible alternative to the East Aurora project.

In addition, only four months ago, the Review Board approved four (4) additional stations for FMC – Aurora (CON permit #10-054). These four stations are operational but are not yet 80% occupied. The Renal Network's 2010 4th quarter data show that the facility's 24 stations served 110 hemodialysis patients (76%

utilization) and ten (10) patients using other treatment modalities. This is in contrast to the applicant's CON application, which reports 83% utilization making the FMC - Aurora facility appear fully occupied, which it is not (see Attachments 2A and 2B).

The Applicant Utilizes Data In Support Of Its Application
That We Believe Is Both Inaccurate And Inconsistent.

In addition to the overstatement of utilization of FMC - Aurora, there are other discrepancies in the applicant's supporting data which raise additional questions concerning the accuracy and consistency of the data used to support its CON application. For example, the project's referring physician, Dr. Navinchandra Dodhia, served only two (2) patients from Aurora Zip Codes 60505 and 60506 at FMC-Aurora in the 3rd quarter 2010. However, historically, for the years ending December 31, 2007, 2008 and 2009, his practice served between 51 and 58 patients from these Aurora zip codes at FMC-Aurora (see Attachment 3).

In yet another data discrepancy, last year FMC-Aurora served 27 patients of Dr. Dodhia from West Chicago (Zip Code 60185); however, in the previous three years (2007-2009) not one dialysis patient from this West Chicago zip code was treated by Dr. Dodhia. Moreover, if this data is correct, it begs the question of why these 27 West Chicago patients are not being served at the new FMC-West Chicago facility, which is much closer and is only 26% utilized. Lastly, it should be noted that FMC-Aurora's utilization will fall 25% if and when these patients transfer to the closer FMC West Chicago facility (27 patients of the total 110 patients.).

Similarly, last year FMC-Aurora served 29 patients of Dr. Dodhia's from North Aurora (Zip Code 60542.) Before last year, FMC-Aurora served only eight (8) patients of Dr. Dodhia's from North Aurora (60542.) The Review Board granted the FMC-West Batavia CON permit last year based in part on Dr. Dodhia's pledge to refer 29 pre-renal patients from Zip Code 60542 (see Attachment 4.) As The Renal Network's 2010 data indicate that Zip Code 60542 had a total of only 25 patients in 2010, we can presume that many of these patients are the same pre-renal patients pledged to justify the establishment of FMC-West Batavia (see Attachment 5). We can further presume that FMC-Aurora's utilization will decline when many of these patients transfer to FMC-West Batavia which is much closer to their homes (29 of 110 patients).

Our concerns for the accuracy of the submitted data continues. The CON application misstates the utilization of other FMC facilities within 30 minutes of the proposed project, as follows:

FMC-DuPage West

The CON application states that FMC-DuPage West is at 78% utilization. However, The Renal Network's 2010 4th quarter data indicates the facility served only 66 hemodialysis patients, 69% utilization of 16 stations.

FMC-Naperville North

The CON application states that FMC-Naperville North is at 81% utilization. However, The Renal Network's 2010 4th quarter data indicates the facility served only 63 hemodialysis patients, 75% utilization of 14 stations.

This CON application's inaccurate data consistently overstates the facilities utilization rates. The Review Board should deny this CON application based on this inaccurate and conflicting information and data.

Insufficient Patient Growth To Support The Project And Other Approved Projects

All of the following three (3) expansions of hemodialysis services in the Aurora area are supported by the same physician practice of Drs. Dodhia and Fakhruddin: FMC-West Batavia's 12 stations; FMC - Aurora's 4 additional stations; and the proposed FMC - East Aurora 12-station facility. An analysis of the physicians' practice data in these CONs demonstrates that patient growth in their practice is insufficient to support the East Aurora facility without significantly impacting other approved facilities and/or projects.

Dr. Dodhia's practice has grown by only 16 patients since 2008, from 133 patients to 149 patients in 2010 3rd quarter (see Attachment 3). Yet in a 24-month period commencing in September 2008 and ending in September 2010, the practice added 189 new patients (See Attachments 6 and 7).

Historical New Patient Referrals

105 patients between 9/08 and 8/09

84 patients between 10/09 and 9/10

189 new patient referrals in 24-month period

Therefore, the practice needed 173 new patients in this two-year period to maintain status quo (189 new patients minus the 16 patients added = 173 patients needed for replacement).

On an annual basis, the practice needed 86.5 new patients to replace the 86.5 patients lost each year during this 2-year period just to maintain 133 patients ($173 \text{ patients} \div 2 \text{ years} = 86.5 \text{ patients/year}$). This represents an annual patient loss ratio of 65% ($86.5 \text{ patients lost} \div 133 \text{ beginning patients} = 65\%$).

We adjusted the loss ratio to be consistent with the time period for Dr. Dodhia's practice size data, i.e., the end of 2008 through the 3rd quarter 2010 (21 months). This adjustment reduces the number of new patient referrals required to maintain practice status quo of 133 patients from 86.5 to 83.3 new patients per year with a patient loss ratio of 62.6% (see Attachment 8.)

This 62.6% patient loss ratio is significantly larger than the 20% patient loss estimate applied in the CON application. This ratio, however, is derived from actual data submitted by Dr. Dodhia and is not an "estimate." The more accurate patient loss ratio of 62.6% indicates that Dr. Dodhia will need to double the number of new patient referrals in his practice in 2013 to both maintain his current practice and achieve 80% utilization of the three (3) expansion projects. The number of new patient referrals needed is startling (see Attachment 9).

The analysis indicates that in addition to adding 83.3 new patients per year to maintain his current practice level, Dr. Dodhia must progressively add more new patients to support the multiple CON expansions, to include:

- ❖ CON 10-054; FMC Aurora, 4 new stations approved 10/26/2010;
- ❖ CON 09-067; FMC Batavia, 12 new stations approved 3/2/2010; and
- ❖ CON 10-086; FMC – East Aurora, 12 new stations, Review Board meeting on 4/2011.

Our analysis indicates that Dr. Dodhia will need to double his current new patient referrals from 83.3 new patients to 170.9 new patients in 2013 and 178.1 patients in 2014. He will need these dramatic, unprecedented patient increases in order to both maintain his current practice and meet his pledge to the Review Board to achieve 80% utilization of these three projects within the first two (2) years of operation (see Attachment 9).

These projections assume that projects will be completed within 2 years of the Review Board's approval, with the exception of CON 10-054, which as of this date is complete. These projections also assume that projects will achieve 80% utilization by the end of second year of operation, a CON standard, and that 50% of the target growth will be achieved in year 1 and 50% by the end of year 2. Lastly these projections assume the same loss ratio (62.6%) is applied against the number of patients in year one and each subsequent year thereafter. This model provides a much more accurate and realistic understanding of the number of new patient referrals required to maintain current practice volume and achieve 80% utilization of each expansion project.

In addition to the aforementioned, data from The Renal Network indicate that the in-center hemodialysis population living within an estimated 30 minutes of Aurora's Zip Code 60505, FMC- East Aurora's location, does not historically support the doubling of new patients in three years. In-center hemodialysis patients living in the area increased 16.5% between 2007 and 2010, from 558 to 650 patients, an annual increase of 5.2% (refer back to Attachment 5.) As the entire hemodialysis population within an estimated 30 minutes of the new facility is increasing only 5.2% per year, it is unreasonable to assume that Dr. Dodhia will be able to double new patient referrals in three years. This data combined with the projected new patient referrals demonstrates that this application fails to prove a true community need for the proposed FMC East Aurora unit.

Absent a plausible explanation, the new patient referrals for the FMC-East Aurora CON, if approved, will be obtained at the expense of numerous other area units undermining the clinical and operational performance of these units.

We ask the Review Board to consider our evidence and deny this unnecessary project.

Thank you for your consideration of this important matter.

Sincerely,


Cal Ganong
Chief Operating Officer


Notary


MAPQUEST

Attachment 1

Trip to 1998 W Fabyan Pkwy
Batavia, IL 60510-1215
9.78 miles - about 20 minutes

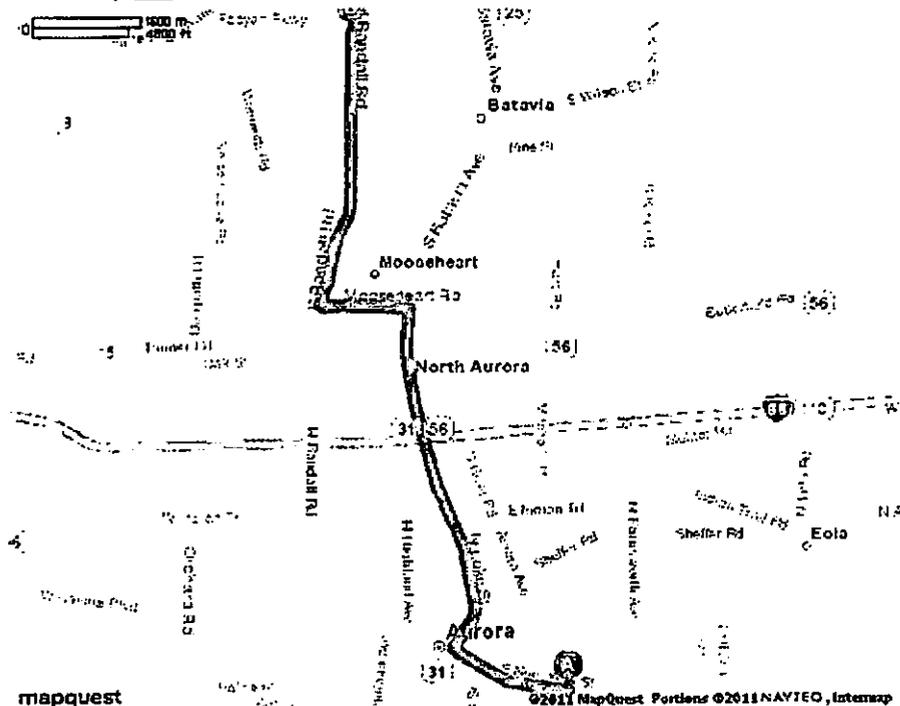
★ 924 E New York St, Aurora, IL 60505-3724

-  1. Start out going **NORTHWEST** on E NEW YORK ST toward N SMITH ST. go 1.4 mi
-   2. Turn **RIGHT** onto N LAKE ST / IL-31. Continue to follow IL-31. go 4.2 mi
-  3. Turn **LEFT** onto MOOSEHEART RD / CR-71. go 1.0 mi
-  4. Turn **SLIGHT RIGHT** onto S RANDALL RD / CR-34 N. Map go 3.3 mi
-  5. Turn **RIGHT** onto W FABYAN PKWY / CR-6 E. go 0.0 mi
-  6. 1998 W FABYAN PKWY is on the **RIGHT**. go 0.0 mi

★ 1998 W Fabyan Pkwy, Batavia, IL 60510-1215

Total Travel Estimate : 9.78 miles - about 20 minutes

Route Map [Hide](#)



All rights reserved. Use subject to license/copyright | Map Legend

Directions and maps are informational only. We make no warranties on the accuracy of their content, road conditions or route usability or expeditiousness. You assume all risk of use. MapQuest and its suppliers shall not be liable to you for any loss or delay resulting from your

RENAL NETWORK 4th QUARTER 2010

Attachment 2A

Region	Provider #	Facility Name	Hemo Stations	MWF Shifts	TTS Shifts	In-Center Hemo Patients	Home Hemo Patients	CAPD Patients	CCPD Patients
IL-1	142615	FMC - ROCKFORD DIALYSIS	12	2	3	29	0	0	0
IL-1	142639	DAVITA - SYCAMORE	12	2	2	49	0	1	13
IL-1	142640	DAVITA CHURCHVIEW DIALYSIS CENTER	24	3	2	74	0	16	48
IL-1	142642	DAVITA - FREEPORT DIALYSIS	10	3	3	57	0	0	0
IL-1	142645	DIXON DIALYSIS CENTER	8	3	3	16	0	0	0
IL-1	142647	DAVITA - ROCKFORD DIALYSIS	19	3	3	105	0	0	0
IL-1	142648	DAVITA - WHITESIDE DIALYSIS	15	3	2	57	0	0	0
IL-1	142651	DAVITA - DIXON KIDNEY CENTER	8	3	1	24	0	1	3
IL-1	142665	DAVITA - ROXBURY DIALYSIS CENTER	16	3	3	87	4	0	0
IL-1	142700	FMC - SANDWICH DIALYSIS, LLC	8	3	0	16	0	1	3
IL-1	140067	FMC - SANDWICH DIALYSIS, LLC	8	3	0	2	0	0	0
IL-10	142526	QUAD CITIES KIDNEY CENTER LTD	30	3	2	99	0	0	10
IL-10	142578	FMC - MIDWEST - KEWANEE	7	2	2	27	0	0	0
IL-10	142592	QUAD CITIES KIDNEY CENTER - GENESSEO	6	2	0	17	0	0	0
IL-10	142658	ALEDO KIDNEY CENTER, LLC	6	3	0	11	0	0	0
IL-10	142675	QUAD CITIES KIDNEY CENTER SILVIS, LLC	12	2	2	60	0	0	0
IL-10	142703	QUAD CITIES KIDNEY CENTER-ROCK ISLAND, LLC	12	2	2	42	0	0	0
IL-11	142527	METRO EAST DIALYSIS	36	3	2	158	2	1	16
IL-11	142535	FMC - SOUTHWEST ILLINOIS	19	2	2	65	0	0	2
IL-11	142537	DAVITA - GRANITE CITY DIALYSIS CENTER	20	3	3	73	0	0	1
IL-11	142558	FAIRVIEW HEIGHTS DIALYSIS	20	3	3	92	0	6	12
IL-11	142561	DAVITA - SAUGET DIALYSIS CENTER	16	3	3	73	0	0	5
IL-11	142619	ALTON DIALYSIS	12	3	3	61	0	5	4
IL-11	142634	DAVITA - MARYVILLE DIALYSIS	12	3	2	57	0	2	0
IL-11	142637	BRESEE DIALYSIS	8	2	2	27	2	0	1
IL-11	142682	RAI HAMACHER - WATERLOO	0	0	0	0	1	0	5
IL-11	142686	MARYVILLE HOME DIALYSIS	2	1	1	2	13	6	1
IL-11	142701	EDWARDSVILLE DAVITA DIALYSIS	8	2	0	18	0	1	2
IL-2	142562	FMC - EAST PEORIA DIALYSIS	24	2	2	92	0	16	30
IL-2	142564	FMC - SPRING VALLEY	16	3	2	68	0	2	0
IL-2	142565	FMC - OF SPOON RIVER	8	3	2	26	0	0	0
IL-2	142571	FMC - CENTRAL ILLINOIS PEKIN	9	3	2	38	0	0	0
IL-2	142574	FMC - PEORIA DOWNTOWN	32	3	2	132	0	0	0
IL-2	142576	FMC - OTTAWA DIALYSIS	10	3	2	28	0	0	0
IL-2	142579	WESTERN ILLINOIS KIDNEY CENTER	11	3	2	51	0	5	4
IL-2	142591	FMC - MACOMB	5	2	2	16	0	0	0
IL-2	142613	FMC - PEORIA NORTH	15	3	2	50	7	5	8
IL-2	142683	AFFILIATED HOME DIALYSIS, LLC	2	0	0	9	12	0	0
IL-2	142695	FMC - STREATOR	8	2	1	15	0	0	0

Region	Provider #	Facility Name	Hemo Stations	NWFF Shifts	TTS Shifts	In-Center Hemo Patients	Home Hemo Patients	CAPD Patients	CCPD Patients
IL-3	140148	MEMORIAL MEDICAL CENTER	11	2	2	4	0	0	0
IL-3	142546	RAI - CENTRE WEST SPRINGFIELD	14	3	2	61	3	0	11
IL-3	142581	JACKSONVILLE DIALYSIS	14	3	2	54	0	0	0
IL-3	142582	DAVITA - UNICOUN DIALYSIS	14	2	2	16	0	0	0
IL-3	142583	LITCHFIELD DIALYSIS	11	3	3	42	0	0	0
IL-3	142586	DAVITA - SPRINGFIELD CENTRAL DIALYSIS	21	3	2	95	7	12	19
IL-3	142587	TAYLORVILLE DIALYSIS	10	2	2	27	0	0	0
IL-3	142590	SPRINGFIELD MONTVALE DIALYSIS	17	3	2	79	0	0	0
IL-3	142620	RUSHVILLE DIALYSIS	7	3	2	22	0	0	0
IL-3	142636	JCH DIALYSIS LLC	7	3	3	25	0	0	0
IL-3	142680	QUINCY MEDICAL GROUP PERITONEAL DIALYSIS CTR	0	0	1	2	2	6	24
IL-3	142708	DAVITA - PITTSFIELD DIALYSIS	5	3	0	6	0	0	0
IL-3	142711	DAVITA - ADAMS COUNTY DIALYSIS	18	3	3	48	0	5	5
IL-3	14583	LITCHFIELD DIALYSIS	11	3	3	1	0	0	0
IL-4	142563	FMC - MCLEAN COUNTY	20	3	2	87	0	0	0
IL-4	142584	MACON COUNTY DIALYSIS	21	2	2	78	0	0	0
IL-4	142585	MATTOON DIALYSIS	16	2	2	43	0	0	0
IL-4	142588	FMC - CHAMPAIGN - URBANA DIALYSIS CENTER	25	3	3	109	0	12	1
IL-4	142599	DECATUR EAST WOOD DIALYSIS	16	3	2	60	3	4	0
IL-4	142603	DIALYSIS CENTERS OF AMERICA-ILLINOIS	12	2	2	43	0	0	0
IL-4	142610	FMC - DECATUR - PD	0	0	0	1	0	4	10
IL-4	142611	FMC - PONTIAC	9	3	2	30	0	0	0
IL-4	142624	SHELBYVILLE COMMUNITY DIALYSIS	8	3	2	24	5	0	4
IL-4	142625	DANVILLE DIALYSIS SERVICES, LLC	19	3	3	77	0	0	0
IL-4	142633	DAVITA - ILLINI RENAL DIALYSIS	10	2	2	33	3	15	10
IL-4	142652	FMC - CENTRAL IL BLOOMINGTON PD	0	0	0	1	0	6	22
IL-5	142514	FMC - CARBONDALE	22	3	2	90	0	1	2
IL-5	142541	DAVITA - MT VERNON DIALYSIS	14	2	2	53	5	6	3
IL-5	142570	DAVITA - MARION DIALYSIS	13	3	3	54	0	0	23
IL-5	142573	FMC - SALINE COUNTY	15	2	2	44	2	7	1
IL-5	142580	EFFINGHAM DIALYSIS	16	3	2	46	2	13	5
IL-5	142589	FMC - RANDOLPH COUNTY	7	3	2	29	0	0	0
IL-5	142595	FMC - DUQUOIN	10	2	2	34	0	0	0
IL-5	142608	DAVITA - BENTON DIALYSIS	13	3	2	51	0	0	0
IL-5	142609	DAVITA - CENTRALIA DIALYSIS	14	2	2	51	0	13	3
IL-5	142627	FMC - WILLIAMSON COUNTY	11	3	2	43	0	1	0
IL-5	142674	OLNEY DIALYSIS CENTER	7	3	3	19	0	0	0
IL-5	142688	DAVITA - WAYNE COUNTY	8	2	0	23	0	2	1
IL-5	142693	VANDALIA DIALYSIS	8	1	0	18	0	3	0
IL-5	142705	FMC - OF MIETROPOLIS	8	2	2	26	0	0	0
IL-5	142714	ROBINSON DIALYSIS	8	1	0	15	0	0	0

Region	Provider #	Facility Name	Hemo Stations	MWF Shifts	TTS Shifts	In-Center Hemo Patients	Home Hemo Patients	CAPD Patients	CCPD Patients
IL-5	140074	ROBINSON DIALYSIS	8	1	0	1	0	0	0
IL-6	140018	MT SINAI HOSP MED CTR RENAL UNIT	11	4	3	68	0	0	0
IL-6	14003F	JESSE BROWN VA MEDICAL CENTER-WESTSIDE	8	2	2	47	0	0	0
IL-6	140088	UNIVERSITY OF CHICAGO - WOODLAWN	19	4	4	137	0	0	0
IL-6	140117	RESURRECTION MEDICAL CENTER	14	3	3	56	0	0	0
IL-6	140119	RUSH-UNIVERSITY-ST LUKES MED CTR	5	2	3	10	0	0	0
IL-6	140124	JOHN H. STROGER JR. HOSPITAL OF COOK COUNTY	6	3	3	101	0	0	0
IL-6	140150	UNIVERSITY OF ILLINOIS HOSPITAL - DIALYSIS	26	3	3	130	5	4	17
IL-6	142501	FMC - NEOMEDICA - NORTH KILPATRICK	20	3	3	114	0	0	0
IL-6	142502	FMC - NEOMEDICA - LOOP	24	2	2	102	30	11	4
IL-6	142505	DSI - LOOP RENAL CENTER	28	2	2	72	0	6	1
IL-6	142506	FMC - CHICAGO DIALYSIS CENTER	33	3	2	68	0	0	0
IL-6	142508	FMC - SOUTHSIDE DIALYSIS CENTER	39	3	3	191	0	0	0
IL-6	142516	FMC - JACKSON PARK DIALYSIS CENTER	24	3	3	117	0	0	0
IL-6	142519	FMC - NEOMEDICA - SOUTH	36	3	3	173	0	0	0
IL-6	142522	FMC - ROGERS PARK	20	3	2	79	0	0	0
IL-6	142523	FMC - NEOMEDICA - WEST BELMONT	10	3	3	39	1	0	0
IL-6	142524	FMC - BRIDGEPORT	27	3	3	114	0	1	0
IL-6	142528	DAVITA - LINCOLN PARK NEPHROLOGY ASSN, SC	22	3	3	105	0	0	0
IL-6	142529	EMERALD DIALYSIS	24	3	3	128	0	0	5
IL-6	142531	FMC - NORTHCENTER DIALYSIS	12	3	3	69	1	0	0
IL-6	142534	DAVITA - LOGAN SQUARE DIALYSIS SVCS INC	20	3	3	109	0	0	0
IL-6	142536	FMC - WEST METRO DIALYSIS	30	3	3	168	4	6	15
IL-6	142540	CIRCLE MEDICAL MANAGEMENT	26	3	2	119	6	6	8
IL-6	142555	FMC - GARFIELD	22	3	2	103	0	6	2
IL-6	142560	DAVITA - SKYLINE HOME DIALYSIS	0	0	0	2	0	6	15
IL-6	142566	FMC - NEOMEDICA - MARQUETTE PARK	14	3	3	79	0	0	0
IL-6	142569	FMC - PRAIRIE	27	3	2	89	0	0	0
IL-6	142572	FMC - NEOMEDICA - SOUTH SHORE	16	3	3	80	1	0	0
IL-6	142597	FMC - NORTHWESTERN	44	3	3	194	0	3	20
IL-6	142600	NEPHRON DIALYSIS CENTER LTD	12	3	3	74	0	0	0
IL-6	142601	FMC - GREENWOOD AVENUE DIALYSIS CENTER	28	2	2	156	0	5	0
IL-6	142604	CHILDRENS DIALYSIS CENTER	6	2	2	18	0	0	10
IL-6	142607	FMC - NEOMEDICA - HAZELCREST	16	3	2	70	0	0	0
IL-6	142618	FMC - SKOKIE DIALYSIS	14	3	2	60	3	3	15
IL-6	142621	FMC - MIDAMERICA EVANSTON	20	3	2	66	0	0	0
IL-6	142622	DSI - HAZELCREST	16	4	3	83	0	0	0
IL-6	142626	NORTHWEST P. D. KARE	0			0	0	1	9
IL-6	142628	DSI - ARUNGTION HEIGHTS	18	3	2	55	2	0	0
IL-6	142630	FMC - ALSP DIALYSIS CENTER	16	3	1	64	0	0	0
IL-6	142631	FMC - DIALYSIS SERVICES OF CONGRESS PARKWAY	30	3	2	108	0	0	0
IL-6	142635	DAVITA - CHICAGO HEIGHTS DIALYSIS	16	4	3	79	0	0	1

Region	Provider #	Facility Name	Hemo Stations	MWF Shifts	TTS Shifts	In-Center Hemo Patients	Home Hemo Patients	CAPD Patients	CCPD Patients
IL-6	142638	BEVERLY DIALYSIS	10	3	3	52	0	0	0
IL-6	142641	FMC-DIALYSIS SERVICES OF BURBANK	22	3	3	115	0	0	0
IL-6	142644	MAPLE AVENUE KIDNEY CENTER	12	3	3	65	0	6	11
IL-6	142646	GARFIELD KIDNEY CENTER	16	3	3	92	0	0	0
IL-6	142649	MONTCLARE DIALYSIS	16	3	3	75	0	0	0
IL-6	142653	FMC - AUSTIN COMMUNITY KIDNEY CENTER	16	1	3	50	0	0	0
IL-6	142654	DSI - SCHAUMBURG	14	3	3	69	0	0	0
IL-6	142655	DIRECT DIALYSIS	6	3	3	63	4	0	0
IL-6	142659	SUMMIT MEDICAL CARE	0	0	0	1	0	12	0
IL-6	142660	DAVITA DIALYSIS MT GREENWOOD	16	3	3	77	4	3	3
IL-6	142661	STONY CREEK DIALYSIS	12	1	3	63	0	0	0
IL-6	142663	CENTER FOR RENAL REPLACEMENT, LLC	16	3	3	66	0	0	2
IL-6	142667	FMC - MERRIONETTE PARK	16	3	3	88	0	5	4
IL-6	142668	DAVITA - LITTLE VILLAGE DIALYSIS	16	3	3	84	0	0	0
IL-6	142670	FMC - ROSS DIALYSIS - ENGLEWOOD	20	3	2	86	2	0	0
IL-6	142676	AFFILIATED DIALYSIS CENTERS	0	0	0	5	397	0	0
IL-6	142679	FMC-NA LAKEVIEW DIALYSIS	10	3	3	59	0	0	1
IL-6	142681	FMC - CHICAGO WESTSIDE DIALYSIS	31	1	0	62	0	0	0
IL-6	142684	PRS, LLC	1	0	0	13	50	0	0
IL-6	142687	WELLBOUND OF EVANSTON	0	1	1	3	8	3	25
IL-6	142690	FMC - ROSELAND DIALYSIS	12	1	0	59	0	0	0
IL-6	142691	KENNEDY HOME DIALYSIS	5	1	0	0	6	0	0
IL-6	142692	FMCNA - UPTOWN	12	2	1	41	0	0	0
IL-6	142698	COMMUNITY DIALYSIS OF HARVEY	16	3	2	71	0	0	0
IL-6	142713	FMC - MIDWAY DIALYSIS	12	1	0	14	0	0	0
IL-6	143523	DAVITA - LAKE PARK DIALYSIS	19	3	3	121	0	0	1
IL-6	143524	DAVITA - WOODLAWN HOME DIALYSIS	5	4	4	5	4	0	33
IL-6	143527	DAVITA - STONEY ISLAND DIALYSIS	24	4	4	192	0	0	0
IL-7	14407F	VA MEDICAL CENTER - HINES	17	2	2	51	0	5	0
IL-7	1440276	FOSTER MCGAW HOSPITAL OF LOYOLA	30	3	3	149	0	11	9
IL-7	142503	FMC - DOWNERS GROVE DIALYSIS CENTER	19	3	3	100	0	0	0
IL-7	142504	FMC - OAK PARK DIALYSIS UNIT	32	3	3	130	1	2	1
IL-7	142507	FMC - ELK GROVE DIALYSIS CTR	28	3	3	142	0	0	0
IL-7	142509	FMC - OF DUPAGE WEST	16	3	2	66	0	5	10
IL-7	142511	DSI - EVANSTON RENAL CENTER	18	3	2	52	0	0	0
IL-7	142515	FMC - AURORA DIALYSIS CENTER	14	4	4	110	1	7	2
IL-7	142517	FMC - SOUTH SUBURBAN	27	3	3	142	0	4	12
IL-7	142518	DSI - SCOTTSDALE	32	3	3	154	2	11	2

Region	Provider #	Facility Name	Hemo Stations	MWF Shifts	TTS Shifts	In-Center Hemo Patients	Home Hemo Patients	CAPD Patients	CCPD Patients
IL-7	142520	FMC OF WESTCHESTER	24	3	2	91	0	0	0
IL-7	142521	FMC - NORRIDGE	18	3	2	56	0	0	0
IL-7	142525	FMC - NEOMEDICA - ROLLING MEADOWS	24	3	3	97	0	0	0
IL-7	142530	FMC - WEST SUBURBAN DIALYSIS CENTER	46	3	3	228	0	0	0
IL-7	142533	FMC - BERWYN	28	3	3	139	0	7	5
IL-7	142538	FMC - CRESTWOOD	32	3	3	116	1	0	0
IL-7	142539	FMC - BLUE ISLAND DIALYSIS CENTER	24	3	3	109	0	3	4
IL-7	142542	FMC - NEOMEDICA - SOUTH HOLLAND	17	3	2	72	0	7	1
IL-7	142543	FMC - NAPERVILLE DIALYSIS CENTER	15	3	3	81	0	7	7
IL-7	142544	DSI - SOUTH HOLLAND	20	3	3	107	0	0	0
IL-7	142545	FMC - NEOMEDICA - EVERGREEN PARK	27	3	3	158	3	9	34
IL-7	142547	FMCNA - NEOMEDICA - HOFFMAN ESTATES	17	4	3	112	0	0	0
IL-7	142548	DAVITA - OLYMPIA FIELDS DIALYSIS CENTER	24	3	2	102	5	2	12
IL-7	142550	FMC - ORLAND PARK	18	3	3	73	1	0	0
IL-7	142551	FMC - GLENVIEW DIALYSIS CENTER	20	3	2	96	0	0	0
IL-7	142554	FMC - NEOMEDICA - MELROSE PARK	18	2	2	59	0	0	0
IL-7	142558	FMC - NILES	32	4	2	130	0	6	1
IL-7	142568	FOX VALLEY DIALYSIS	26	3	3	135	0	0	15
IL-7	142575	DSI - MARKHAM	22	2	2	100	0	0	0
IL-7	142593	FMC - LAGRANGE HOME DIALYSIS CENTER	0			1	0	0	0
IL-7	142594	FMC - ELK GROVE HOME DIALYSIS CENTER	0			0	3	2	17
IL-7	142602	FMCNA - NORTH AVENUE DIALYSIS CENTER	20	3	3	104	0	2	2
IL-7	142606	DUPAGE PERITONEAL DIALYSIS SERVICES	0			0	0	10	11
IL-7	142612	FMC - VILLA PARK	24	3	3	119	0	8	3
IL-7	142617	FMC - GLENDALE HEIGHTS DIALYSIS CENTER	17	3	3	86	0	0	0
IL-7	142622	FMC - WILLOWBROOK	20	3	3	84	0	4	4
IL-7	142678	FMC - NAPERVILLE NORTH DIALYSIS CENTER	12	3	3	63	0	0	0
IL-7	142696	DAVITA - WOODBRIDGE AT HOME	6	1	1	0	5	0	0
IL-7	142699	AFFILIATED HOME DIALYSIS - ELK GROVE	1	1	2	2	0	0	0
IL-7	142702	WEST CHICAGO DIALYSIS CENTER	12	1	0	19	0	0	0
IL-7	142706	FMC - LOMBARD HOME THERAPIES	1	1	1	0	0	4	8
IL-7	142712	DAVITA - BIG OAKS DIALYSIS	12	1	0	8	0	0	0
IL-7	142712	ADVANCED HOME THERAPIES	0	0	0	0	0	0	2
IL-8	140108	HIGHLAND PARK HOSPITAL DIALYSIS	20	4	3	88	0	0	9
IL-8	142549	FMC - NEOMEDICA - GURNEE	14	3	3	87	0	0	0
IL-8	142552	DAVITA - LAKE COUNTY DIALYSIS SERVICES INC	16	3	3	69	0	1	1
IL-8	142567	DSI - WAUKEGAN - HOME PROGRAM	0	0	0	0	0	0	3
IL-8	142577	DSI - WAUKEGAN RENAL CENTER	24	3	2	98	0	0	0
IL-8	142598	QUALITY RENAL CARE	13	3	3	72	0	2	2
IL-8	142614	TRI CITIES DIALYSIS LLC	18	3	3	70	0	0	5
IL-8	142616	FMC - NEOMEDICA - ROUND LAKE	16	4	3	85	0	0	0
IL-8	142643	QUALITY RENAL CARE, LLC	10	2	2	30	0	0	0

Region	Provider #	Facility Name	Hemo Stations	M/W/F Shifts	TTS Shifts	In-Center Hemo Patients	Home Hemo Patients	CAPD Patients	CCPD Patients
IL-8	142650	BUFFALO GROVE DIALYSIS	14	2	1	58	1	0	0
IL-8	142662	ARA-SOUTH BARRINGTON DIALYSIS CENTER	10	3	2	48	0	1	1
IL-8	142664	ARA - CRYSTAL LAKE DIALYSIS CENTER	9	3	3	52	0	0	4
IL-8	142666	LAKE VILLA DIALYSIS	12	1	0	30	1	0	0
IL-8	142669	FMCNA - LAKE BLUFF	16	3	2	70	1	0	0
IL-8	142672	FMC OF MCHENRY	12	3	2	49	0	2	1
IL-8	142673	FMC - ANTOCH	12	3	3	61	0	0	8
IL-8	142710	FMC - DEERFIELD DIALYSIS CENTER	12	3	0	25	0	0	2
IL-8	142715	DAVITA - COBBLESTONE DIALYSIS	14	3	3	63	0	0	0
IL-8	142716	DAVITA - CRYSTAL SPRINGS DIALYSIS	5	3	3	2	0	0	0
IL-8	143509	DAVITA - CRYSTAL SPRINGS DIALYSIS	5	3	3	16	0	0	0
IL-9	140155	PROVENA ST MARYS HOSPITAL-DIALYSIS CTR	24	3	3	105	3	10	25
IL-9	140213	SILVER CROSS HOSPITAL	14	3	3	85	0	0	0
IL-9	142553	SUN HEALTH INC	17	3	2	59	0	0	0
IL-9	142596	FMC - MORRIS DIALYSIS	8	3	2	44	0	0	0
IL-9	142605	FMC - BOLINGBROOK DIALYSIS	20	3	3	115	0	0	0
IL-9	142656	FMC - OTTAWA HOME DIALYSIS	0	0	0	0	0	4	3
IL-9	142671	MAINTENO DIALYSIS CENTRE	15	3	0	37	0	1	2
IL-9	142677	FMC - OSWEGO	11	3	3	53	0	1	0
IL-9	142685	KANKAKEE COUNTY DIALYSIS	12	2	2	35	0	5	1
IL-9	142689	FMC - MOKENA DIALYSIS	14	1	0	41	0	0	0
IL-9	142694	FMC - HOME DIALYSIS NETWORK INC.	0	0	0	1	0	9	10
IL-9	142697	LOCKPORT DAVITA AT HOME	0	0	0	0	6	0	0
IL-9	142707	FMC - PLAINFIELD	12	3	3	53	0	0	1
IL-9	142709	YORKVILLE DIALYSIS CENTER, LLC	8	3	0	12	0	0	4
IL-9	143516	SILVER CROSS RENAL CENTER WEST	29	3	3	147	1	0	24
IL-9	143526	SILVER CROSS RENAL CENTER MORRIS	9	2	1	22	0	0	0

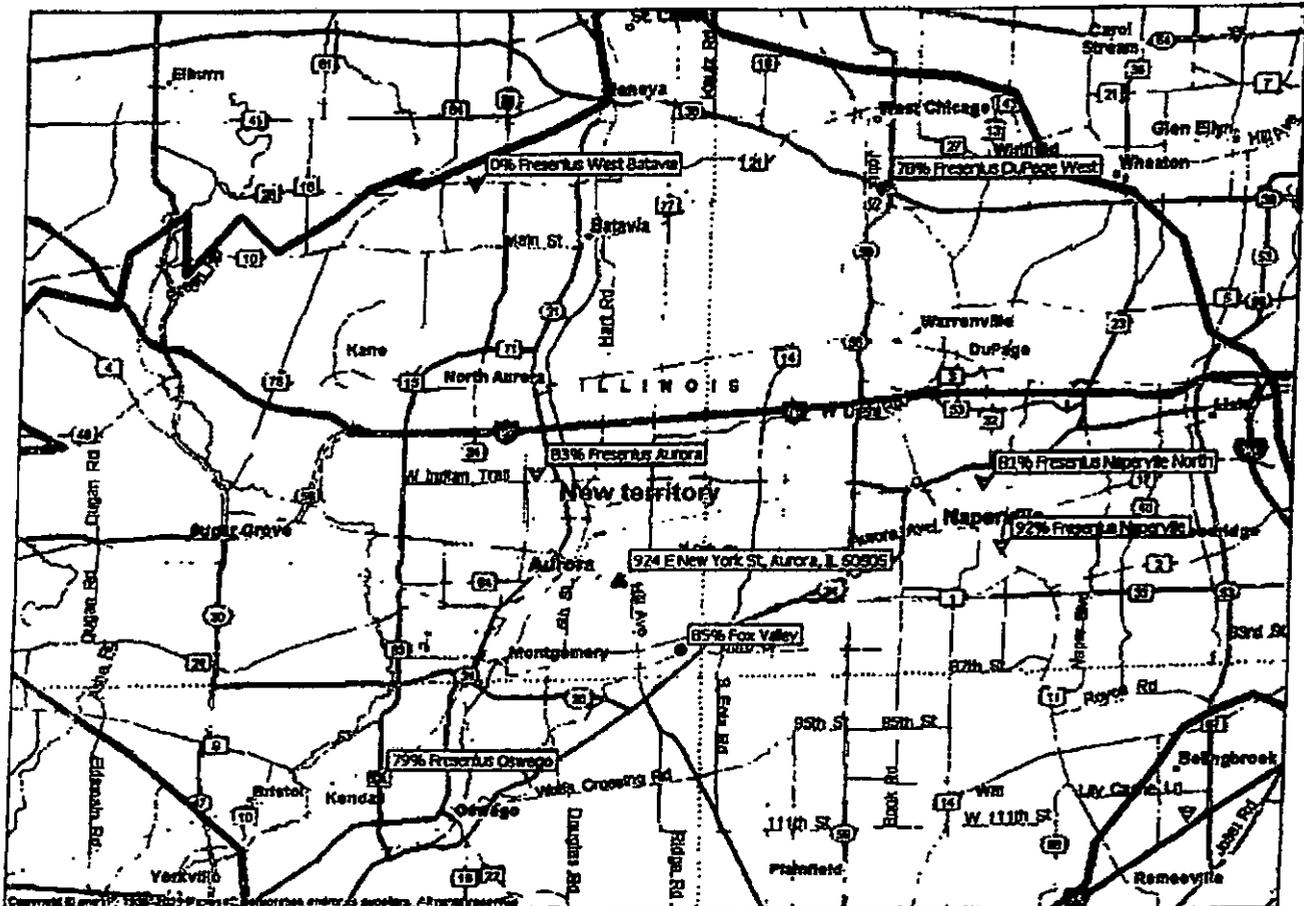
FACILITIES WITHIN 30 MINUTES TRAVEL TIME OF FRESENIUS EAST AURORA

Name	Address	City	ZIP Code	MapQuest Miles	MapQuest Time	MapQuest Adjusted Time	Travel Study Time*	Stations	UI 09/30	Fresenius 12/10 UI
Fox Valley Dialysis	1300 Waterford Dr	Aurora	60504	2.78	6	7	N/A	26	85%	N/A
Fresenius Aurora	455 Marcy Ln	Aurora	60508	3.51	10	12	N/A	24	74%	83%
Fresenius Naperville North	514 W 5th Ave	Naperville	60563	8.31	16	18	N/A	14	72%	81%
Fresenius Naperville	100 Spaulding Dr	Naperville	60540	7.85	16	18	N/A	15	89%	92%
Fresenius Oswego	1051 Station Dr	Oswego	60543	10.18	16	18	22.8	11	71%	79%
Fresenius DuPage West	450 E Roosevelt Rd	West Chicago	60185	12.13	20	23	26.7	16	78%	78%
Fresenius West Batavia	2580 W. Fabyan Pky	Batavia	60185	10.6	22	25	29.2	12	0%	0%

Facilities Below were determined to be over 30 Minutes according to MapQuest adjusted or Independent travel study.

Yorkville Dialysis	1400 Beecher Road	Yorkville	60560	14.67	24	28	31.3	8
Tri Cities Dialysis	306 Randall Rd	Geneva	60134	11.28	22	25	31.5	16
Fresenius West Chicago	1859 N Neilnor Blvd	West Chicago	60185	15.37	24	28	33.5	12
Fresenius Bolingbrook	329 Remington Blvd	Bolingbrook	60440	16.37	27	31	N/A	24
Fresenius Downers Grove	3825 Highland Ave	Downers Grove	60515	19.34	29	33	N/A	19

*An independent travel study, per 1100.510d, was conducted by a Professional Traffic Operations Engineer. Certified copy of the study is at the end of this attachment.



FMC - EAST AURORA CON APPLICATION - DR. DODDIA'S & FAHRRUDDIN'S HISTORICAL CASELOAD

ATTACHMENT 3

Existing Patients - End of Year 2007					Existing Patients - End of Year 2008					Existing Patients - End of Year 2009					Existing Patients - End of Q3 2010				
	Aurora	Oswego	Sandwich	Fox Valley		Aurora	Oswego	Sandwich	Fox Valley		Aurora	Oswego	Sandwich	Fox Valley		Aurora	Oswego	Sandwich	Fox Valley
60042					60042					60042					60042				
60106	1				60106					60106					60106				
60115					60115					60115					60115				
60119					60119					60119					60119				
60120					60120					60120					60120				
60123	1				60123					60123					60123				
60134					60134					60134					60134				
60137					60137					60137					60137				
60174	1				60174					60174					60174				
60177	1				60177					60177					60177				
60178	1				60178					60178					60178				
60185					60185					60185					60185				
60431					60431					60431					60431				
60446					60446					60446					60446				
60503					60503					60503					60503				
60504	3				60504					60504					60504				
60505	27	1			60505					60505					60505				
60506	31	3			60506					60506					60506				
60510	2				60510					60510					60510				
60512					60512					60512					60512				
60520					60520					60520					60520				
60538	3				60538					60538					60538				
60540					60540					60540					60540				
60541					60541					60541					60541				
60542	7				60542					60542					60542				
60543					60543					60543					60543				
60545	2				60545					60545					60545				
60548					60548					60548					60548				
60551					60551					60551					60551				
60552					60552					60552					60552				
60554					60554					60554					60554				
60560	2				60560					60560					60560				
60563	1				60563					60563					60563				
60565					60565					60565					60565				
60586					60586					60586					60586				
60605					60605					60605					60605				
61378					61378					61378					61378				
60644					60644					60644					60644				
62701					62701					62701					62701				
TOTALS	83	28	0	13	79	42	0	12	72	43	11	9	86	34	20	9			

SOURCE: CON APPLICATION #10-085, Dr. Doddia's Referral Letter, Page 50 - 53.

CON 09-067

PRE-ESRD PATIENTS DR. DODHIA EXPECTS TO REFER TO PRESENTUS
MEDICAL CARE BATAVIA BY 2 YEARS (24 MONTHS)
AFTER PROJECT COMPLETION

Zip Code	Patients
60119	6
60134	1
60174	1
60175	3
60510	18
60542	23
60554	24
Total	83

Source: CON Application 09-067, Dr. Dodhia's Patient Referral Letter

ATTACHMENT 6

**ADMISSIONS OF DR. DODHIA'S PRACTICE FOR THE PREVIOUS
TWELVE MONTHS - 09/01/2008 THROUGH 08/31/2009**

ZIP CODE	FRESENIUS AURORA	FRESENIUS OSWEGO	FRESENIUS SANDWICH	FOX VALLEY DIALYSIS	TOTAL
60018	1				1
60076		1			1
60119	1				1
60120	1				1
60134		1			1
60174	1				1
60187		1			1
60404		1	1		2
60431		1			1
60435		1			1
60453	1				1
60503		1			1
60504		3		2	5
60505	15	5		1	21
60506	13	4		1	18
60515	1				1
60531		1			1
60538	2	3			5
60542	3	4			7
60543	1	4			5
60545		3	2		5
60548	1	2	7		10
60551			1		1
60552		1	1		2
60554	1			1	2
60560		3		1	4
60586		2			2
60644		1			1
61364		1			1
61378			1		1
TOTAL	42	44	13	6	105

Source: FMC-Batavia CON Application #09-067

**NEW REFERRALS OF DR. DODHIA'S PRACTICE FOR TIME PERIOD
10/01/09 THROUGH 09/30/2010**

Fresenius Aurora		Fresenius Oswego		Fresenius Sandwich		Fox Valley Dialysis	
Zip Code	Patients	Zip Code	Patients	Zip Code	Patients	Zip Code	Patients
60181	1	60431	2	60115	1	60504	1
60185	1	60446	1	60520	1	60544	1
60504	2	60505	3	60538	1	Total	2
60505	16	60506	1	60545	2		
60506	17	60538	1	60548	2		
60510	1	60543	2	60551	1		
60515	1	60545	1	60560	2		
60520	1	60552	1	Total	10		
60542	11	60560	5				
60554	1	60565	1				
60560	1	Total	18				
60563	1						
Total	54			Total	84		

PATIENTS OF DR. DODHIA'S PRACTICE AT YEAR END 2007

FRESENIUS AURORA		FRESENIUS OSWEGO		FOX VALLEY	
Zip Code	Patients	Zip Code	Patients	Zip Code	Patients
60506	31	60560	5	60543	3
60505	27	60543	5	60548	2
60542	6	60548	4	60505	1
60504	3	60538	4	60560	2
60538	3	60545	3	60504	3
60510	2	60506	3	60554	1
60543	2	60505	1	60506	1
60554	2		25		13
60042	1				
60106	1				
60123	1				
60174	1				
60177	1				
60178	1				
60560	1				
	83				

Total 2007 - 121

Source: FMC-East Aurora CON Application #10-086

ATTACHMENT 8

FOOTNOTE (only)

Methodology for adjusting the patient loss ratio

The adjusted patient loss ratio is obtained by:

- Multiply the average monthly new patient referrals for the period of 9/2008 – 8/2009 of 8.75×8 months = 70 patients for the period of 1/2009 – 8/2009
- Add to the 84 new patient referrals for the period of 10/2009 – 9/2010.
 $70+84=154$ patients.
- Divide by 20 months $154 \div 20 = 7.7$ patients/month.
- Adjust for the missing month (September 2009) by adding 7.7 to 154 = 161.7, the total new patient referrals for the period of 1/2009 – 9/2010
- Subtract 16 new patients $161.7 - 16 = 145.7$
- Divide 145.7 by 21 months ($145.7 \div 21 = 6.94$ patient/month)
- Multiply $6.94 \times 12 = 83.3$, the number of new patient referrals required to maintain Dr. Dohdia's practice at 133 patients on an annual basis.
- Divide 83.3 by 133 to obtain the patient loss ratio of 62.6%

FMC – EAST AURORA DIALYSIS

CON Application #10-086

NEW PATIENT REFERRALS REQUIRED PER YEAR

	2011	2012	2013	2014	2015
NEW PATIENTS					
FMC-Aurora 10-054 - 4 Stations	9.6	9.6			
FMC-Batavia 09-067 – 12 stations		28.8	28.8		
FMC-East Aurora 10-086 – 12 stations			28.8	28.8	
PATIENT REFERRALS DUE TO LOSS RATIO (62.6%)					
Current Practice Base	83.3	83.3	83.3	83.3	83.3
FMC-Aurora – 4 stations		6.0	12	12	12
FMC-Batavia – 12 stations			18	36	36
FMC-East Aurora – 12 stations				18	36
NEW PATIENTS REQUIRED EACH YEAR	92.9	127.7	170.9	178.1	167.3

SOURCE: Renaissance Management

NOTES: These projections assume the following:

- Projects will be completed within 2 years of State Board approval, with the exception of CON #10-054 which as of this date is complete.
- Projects will achieve 80% utilization by the end of second year of operation, a CON standard.
- One-half (50%) of the target patient growth will be achieved in year 1 and 50% by the end of year 2.
- The referring physician’s experienced patient loss ratio of 62.2% remains unchanged.

Data from The Renal Network indicate that this model provides a much more accurate and realistic understanding of the number of new patient referrals required to maintain current practice volume and achieve 80% utilization of each expansion project. The Renal Network data indicate that the in-center hemodialysis population living within an estimated 30 minutes of Aurora’s Zip Code 60505, FMC- East Aurora’s location, increased 16.5% between 2007 and 2010, from 558 patients to 650 patients, an annual increase of 5.2% (refer back to Attachment 5.)

We believe that this model demonstrates that the referring physician’s practice cannot support doubling new patients in three years, and therefore cannot support this project. We believe that these projections provide a much clearer understanding of the true community need for dialysis services and the need for new dialysis stations.

Andrés J. Gallegos | RSP CHICAGO

Email agallegos@rsplaw.com
Direct 312.456.0381

ROBBINS, SALOMON & PATT, LTD.
Attorneys at Law

February 23, 2011

Mr. Dale Galassie
Chairman
Health Facilities and Services Review Board
525 West Jefferson Street, 2nd Floor
Springfield, Illinois 62761

**RE: PUBLIC HEARING TESTIMONY OPPOSING
FMC - EAST AURORA: HFSRB #10-086**

Dear Mr. Galassie:

My name is Andrés J. Gallegos. I am an attorney with the Chicago law firm of Robbins, Salomon and Patt, Ltd. I serve as the outside corporate counsel for Fox Valley Dialysis, Ltd. ("Fox Valley Dialysis") and its affiliates. On behalf of my client, we respectfully move the Health Facilities and Services Review Board (the "Review Board") to deny Fresenius Medical Care's ("FMC") East Aurora Certificate of Need (CON) application for the following reasons:

1. As reflected in the opposition letter from Dr. Harry Rubinstein and Dr. Pardeep Sood, both nephrologists and principals of Fox Valley Dialysis, who each service the Aurora area, the Review Board should wait until the nearby FMC West Batavia facility is at 80% utilization before it approves another facility in the community. By the applicant's own admission, that project is 12 months away from becoming operational. When it is operational, FMC-West Batavia is a plausible alternative to the proposed project due both to its lack of patients, and its proximity, between 19-22 minutes, from the proposed project's location. Moreover, as Drs. Rubinstein and Sood point out, the Review Board should also consider the capacity and utilization of FMC-Plainfield, which, although omitted from the application, is within 28 minutes of the proposed project and is at 74% utilization, pursuant to data, as of December 31, 2010, from the Renal Network.

R | S | P
www.rsplaw.com

RSP CHICAGO
25 East Washington St. | Ste. 1000 | Chicago, Illinois 60602
General 312.782.9000 | Fax 312.782.6690

RSP GLENVIEW
2222 Chestnut Ave. | Ste. 101 | Glenview, Illinois 60026
General 847.729.7300 | Fax 847.729.7390

F84224

ROBBINS, SALOMON & PATT, LTD.

Attorneys at Law

Mr. Dale Galassie

February 23, 2011

Page 2 of 3

2. As Mr. Calvin Ganong, Fox Valley Dialysis' Chief Operating Officer, testified, the Aurora community has an open project recently approved by the Review Board, in addition to the FMC West Batavia facility, that has not yet reached its target utilization, namely FMC - Aurora, with its expansion of 4 additional stations (CON permit #10-054), which will also serve the same population as the applicant's East Aurora project purports to serve. In addition, as Mr. Ganong's testimony reflected, there are serious concerns regarding the project's principal referring physician's, Dr. Dodhia, patient growth, specifically, the sufficiency of his patient growth to attain the required utilization percentage of the new project, FMC West Batavia, and the FMC - Aurora expansion, and to maintain the required utilization percentage of the 4 other existing facilities that he refers patients to.

3. As all of my client's principals, and its CON consultant, Ms. Delia Wozniak, have testified to, there are significant material discrepancies between the applicant's data regarding the utilization of existing alternative facilities and their respective proximity to the proposed project location, in addition to the referring physician's data used for his projected referrals. Part of the problem with the applicant's utilization data could be its use of Fresenius data "obtained internally" instead of data as reported to the Renal Network. (See Exhibit A, attached hereto, applicant's CON application, Criterion 1110.230 - Purpose of Project, Response No. 4). The problem with the referring physician's projected referrals becomes clearer if you review the anticipated referrals by this referring physician for this project, together with anticipated referrals by that referring physician tendered in support of the applicant's two immediately preceding CONs, which were approved by this board -- FMC-West Batavia (CON permit #09-067) and FMC - Aurora (CON permit #10-054) against the physician's documented historical caseload. When that all is reviewed together, it is clear that the anticipated number of referrals do in fact exceed the physician's documented historical caseload, in violation of the provisions of this Review Board's administrative regulations relating to the Review Criteria's Projected Referrals.¹ Through the collective testimonies made on behalf of my client,

¹ 77 Ill. Admin. Code § 1110.1430(b)(i).

ROBBINS, SALOMON & PATT, LTD.

Attorneys at Law

Mr. Dale Galassie

February 23, 2011

Page 3 of 3

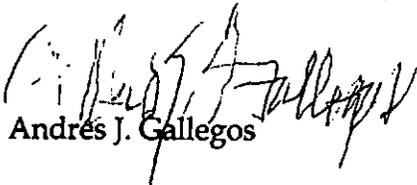
my client has demonstrated, by what we believe is clear and convincing evidence, that the applicant's calculations of utilization, underutilization and time travel, and the anticipated patient referrals are misstated, if not misrepresented.

While the purported purpose of this project is to "keep dialysis services accessible in Kane County, more specifically the Aurora market," we submit that it now is, and for the reasons stated above, as elaborated in my clients' collective testimonies, we believe it will be in the future without the need for the applicant's project.

In summation, we are convinced this project, if approved, will result in unnecessary duplication and maldistribution, the essence of what the Illinois certificate of need law was enacted to avoid.

Very truly yours,

ROBBINS, SALOMON & PATT, LTD.


Andrés J. Gallegos

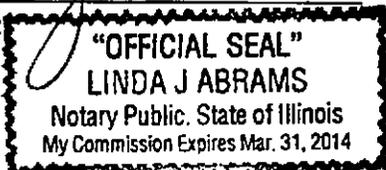
AJG/db

Enclosure

cc: Ms. Courtney, Avery
Administrator, HFSRB

Subscribed and Sworn to before me
this 23rd day of February, 2011.


Notary Public



Criterion 1110.230 – Purpose of Project

1. The purpose of this project is to keep dialysis services accessible in Kane County, more specifically the Aurora market. This market has experienced high historical utilization despite additional stations being established. The Aurora ESRD market is highly Hispanic and African American. 59% of the current Aurora Dialysis Center's patients are from these combined ethnic backgrounds which have a higher propensity for diabetes and hypertension, the leading causes of kidney failure.
2. The market area that Fresenius Medical Care East Aurora will serve is the mainly the city of Aurora with the combined zip codes of 60505 and 60506.
3. This facility is needed to accommodate the pre-ESRD patients that Dr. Dodhia has identified from this area who will require dialysis services in the next 1-3 years. Dr. Dodhia and his partner, Dr. Fakhrudin refer patients to Fresenius Aurora, Oswego, Sandwich and to Fox Valley Dialysis, which is also in Aurora. The two Aurora facilities have been operating above target utilization for many years. Fresenius Aurora has recently expanded twice (for a total of 10 stations) and yet remains at 83% utilization. Fox Valley Dialysis is at 85% utilization with 26 stations.
4. Utilization of area facilities is obtained from the Renal Network for the 3rd Quarter 2010 for non-Fresenius facilities. For purposes of this application, the utilization for Fresenius facilities was obtained internally. Pre-ESRD patients for the market area were obtained from Dr. Dodhia. Population and demographics data was obtained from the U. S. Census Bureau.
5. The goal of Fresenius Medical Care is to keep dialysis access available to this patient population as we continue to monitor the growth and provide responsible healthcare planning for this area. There is no direct empirical evidence relating to this project other than that when chronic care patients have adequate access to services, it tends to reduce overall healthcare costs and results in less complications.
6. It is expected that this facility would have and maintain the same quality outcomes as Fresenius Medical Care facilities in Illinois as listed below.
 - o 90.55% of patients had a URR \geq 65%
 - o 92.66% of patients had a Kt/V \geq 1.2





2000 Ogden Avenue, Aurora, IL 60504

February 24, 2011

Dale Galassie
Chairman
Health Facilities and Services Review Board
525 West Jefferson Street, 2nd Floor
Springfield, Illinois 62761

Dear Mr. Galassie:

RE: FMC - East Aurora
HFSRB #10-086
Public Hearing Testimony in Opposition

Rush-Copley Medical Center opposes the request for a Certificate of Need (CON) permit filed by Fresenius Medical Care Sandwich LLC to establish a 12-station in-center hemodialysis facility at 924 East New York Street in Aurora, Illinois (60505.) We ask the Health Facilities and Services Review Board to deny this application. We are convinced by the evidence that this project is premature and will have a negative impact on other hemodialysis facilities already approved to operate in this community.

Our community has the following available or approved in-center hemodialysis facilities which are easily accessible to the proposed population to be served by the new facility:

Table with 6 columns: Facility, Distance, MapQuest* Travel Time, 12/31/2010 Stations, 12/31/2010 Patients, Occupancy. Rows include FMC-Aurora, FMC-Naperville No., FMC-West Batavia, Tri-Cities, FMC-DuPage West, Yorkville, FMC-West Chicago, and FMC-Plainfield.

SOURCE: The Renal Network, 2010, 4th quarter data.

NOTES: * MapQuest travel time is adjusted 1.15% as allowed by HFSRB rules.
** FMC-Aurora utilization includes 29 patients who may transfer to the new FMC-West Batavia facility when it opens (see Attachment 1.)
The occupancy of FMC-Aurora decreases to 56% without these patients.

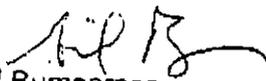
The applicant submitted an independent travel study showing that three (3) of the above facilities may be over 30 minutes travel time (Yorkville Dialysis; Tri-Cities Dialysis; and FMC-West Chicago.) Other travel studies may be conducted to dispute or corroborate this study. However, these data indicate that the applicant has five (5) underutilized facilities within 30 minutes of the project.

Conveniently located, quality dialysis services are readily accessible to the patients served by Rush-Copley Medical Center and the physicians on its Medical Staff. We experience no difficulty finding available dialysis services for our patients.

We support the reasonable and timely development of health care facilities in the greater Aurora area. We respectfully ask the Health Facilities and Services Review Board to consider the impact on existing, approved facilities. We urge the State Board to deny this CON application at this time.

Thank you for your consideration of our comments on this important matter.

Respectfully,



Gail Bumgamer
Senior Vice President
Rush-Copley Medical Center

Attachments
CC: Ms. Courtney Avery

CON 09-067

Attachment 1, page 2 of 3

PRE-ESRD PATIENTS DR. DODHIA EXPECTS TO REFER TO PRESENTUS MEDICAL CARE SATAVIA BY 2 YEARS (24 MONTHS) AFTER PROJECT COMPLETION

Zip Code	Patients
60118	6
60134	1
60174	1
60175	3
60510	18
60542	29
60554	24
Total	83

Source: CON Application 09-067, Dr. Dodhia's Patient Referral Letter

CON 10-086

Attachment I, page 3 of 3

PATIENTS OF DR. DODHIA'S PRACTICE, 3RD QUARTER 2010

Fresenius Aurora		Fresenius Oswego		Fresenius Sandwich		Fox Valley Dialysis	
Zip Code	Patients	Zip Code	Patients	Zip Code	Patients	Zip Code	Patients
60119	2	60134	1	60115	1	60543	2
60123	2	60491	1	60505	1	60560	1
60137	11	60446	1	60520	1	60504	3
60174	1	60505	1	60538	1	60505	1
60177	1	60506	7	60545	4	Total	0
60185	27	60506	3	60548	7		
60503	1	60538	7	60551	2		
60504	2	60542	7	60560	2		
60505	1	60545	2	61378	1		
60506	1	60552	1	Total	20		
60510	1	60580	1				
60520	1	60565	1				
60558	3	60844	1				
60542	2	Total	34				
60554	1						
60560	1						
60565	1						
Total	63						

Total 148

PRE-ESRD PATIENTS DR. DODHIA EXPECTS TO REFER TO FRESENIUS MEDICAL CARE EAST AURORA IN THE FIRST TWO YEARS OF OPERATION

Pre-ESRD

Zip Code	Patients
60502	4
60503	2
60804	1
60505	26
60506	33
60507	2
Total	71

Transfer

Zip Code	Patients
60505	4

Source: CON Application 10-086; Dr. Dodhia's Patient Referral Letter