



STATE OF ILLINOIS  
**HEALTH FACILITIES AND SERVICES REVIEW BOARD**

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

December 13, 2011

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

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

RE: **DENIAL OF APPLICATION**  
**Notice of an Opportunity for an Administrative Hearing**  
Illinois Health Facilities Planning Act  
**PROJECT**: #11-022 Fresenius Medical Care-Lockport  
**APPLICANT(S)**: Fresenius Medical Care Lockport, LLC, Fresenius Medical Care Holdings

Dear Ms. Wright:

On December 6, 2011 the Illinois Health Facilities Planning Board issued its denial of the application for permit for the above-referenced project. The State Board rendered its decision following consideration of the application, the State Board Staff Report and the testimony of the applicant. The State Board's decision is based upon the applicant's failure to document that a project of the nature and scope as that proposed is appropriate for the reasons stated in the following allegations of non-compliance:

**Allegations of Non-Compliance**

The applicants did not document conformance with the following review criteria:

- Criterion 1110.234(a) - Size of the Project
- Criterion 1110.1430(b) - Planning Area Need
- Criterion 1110.1430(c) - Unnecessary Duplication/Maldistribution

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

**DENIAL LETTER**

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Notice to the Administrator may be made by forwarding the written request to my attention at the following address:

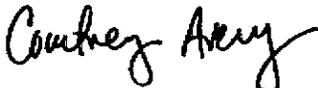
Courtney Avery, Administrator  
Illinois Health Facilities and Services Review Board  
525 West Jefferson Street, 2<sup>nd</sup> Floor  
Springfield, Illinois 62761

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

If you decide to exercise your right to an administrative hearing, the Illinois Health Facilities and Services Review Board, shall, within 30 days after the receipt of your request, appoint a hearing officer. The administrative hearing will afford you the opportunity to demonstrate that the application is consistent with the criteria upon which the action of the State Board was based. The State Board shall make a final determination following its consideration of the report of the administrative hearing, or upon default of the party to the hearing.

Should you have any questions, please contact Mike Constantino at 217 782-3516.

Sincerely,



Courtney Avery, Administrator  
Illinois Health Facilities and Services Review Board

Cc: Dale Galassie, Chairman