



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

July 27, 2020

Rudy Lai-Director, Special Projects
DaVita, Inc.
e-mail: rudy.lai@davita.com

RE: Certificate of Need Application #21-10 DaVita Covington-King #10

Dear Mr. Lai:

Thank you for the Certificate of Need application proposing to establish a 13-station dialysis center (12 in-center and one isolation station) to be located in Covington, within King County planning area #10. WAC 246-310-806 provides the timelines for submission of dialysis center applications. Sub-sections (2) and (7) focus on applications that are submitted during a non-special circumstance concurrent review timeline. The sub-sections are restated below with underlining in the pertinent sections.

- (2) The department should complete a nonspecial circumstance concurrent review cycle within nine months, which begins the first day after letters of intent are due for that particular review cycle. The department should complete the regular review process within six months, which begins the first day after the letters of intent are due for that particular review cycle.
- (7) The department will not accept new nonspecial circumstance applications for a planning area if there are any nonspecial circumstance applications for which the certificate of need program has not made a decision in that planning area filed under a previous concurrent review cycle. This restriction does not apply if the department has not made a decision on the pending applications within the review timelines of nine months for a concurrent review and six months for a regular review. This restriction also does not apply to special circumstance applications.

Both Northwest Kidney Centers (NKC) and Fresenius Medical Care (FMC) submitted applications for the King #10 planning area the previous concurrent review cycle—year 2019 Cycle 2. The letters of intent for the NKC and FMC projects were due on November 1, 2019. The addition of 9 months—or 274 days—beginning on November 2, 2019, results in August 2, 2020. This calculation means that a non-special circumstance application for the King #10 planning area cannot be accepted prior to August 2, 2020. DaVita submitted its Covington application on July 1, 2020.

Based on the facts above, the Certificate of Need Program is returning your 2020 Cycle 1 King #10 application with no action. Given that the application should not have been accepted, the

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program will also refund 100% of the 25,054 review fee. The refund will be sent separately to you at the following address.

DaVita Healthcare Partners Inc. - North Star Division
32275 – 32nd Avenue South
Federal Way, Washington 98001

If you have any questions regarding the return of your application, please call me at (360) 236-2955.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Hernandez", with a long horizontal flourish extending to the right.

Eric Hernandez, Program Manager
Certificate of Need