

## STATE HEALTH PLANNING AND DEVELOPMENT AGENCY

LINDA LINGLE  
GOVERNOR OF HAWAII  
CHIYOME LEINAALA FUKINO, M.D.  
DIRECTOR OF HEALTH  
RONALD E. TERRY  
ADMINISTRATOR

1177 Alakea St. #402, Honolulu, HI 96813 Phone: 587-0788 Fax: 587-0783 www.shpda.org

March 19, 2008

### CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Rick Duckworth  
CEO West Division, Fresenius Medical Services  
Bio-Medical Applications of California, Inc.  
95 Hayden Avenue  
Lexington, MA 02420

Dear Mr. Duckworth:

The State Health Planning and Development Agency has evaluated Bio-Medical Applications of California, Inc.'s Certificate of Need application #07-33A for the establishment of a twenty-four (24) station hemodialysis facility at 94-862 Kahualani Street, Waipahu, Hawaii, a capital cost of \$6,522,378.

Pursuant to Title 11, Chapter 186 of the Hawaii Administrative Rules (HAR), the Agency has determined that:

- (a) The proposal is eligible for administrative review as it meets the criterion in Section 11-186-99.1(b)(6), i.e.: "any proposal which is determined by the agency not to have a significant impact on the health care system."
- (b) The applicant, Bio-Medical Applications of California, Inc., has proven by a preponderance of the evidence that its proposal meets the Certificate of Need criteria in Section 11-186-15, HAR.
- (c) There is no compelling public interest which will be served by requiring the application to go through the standard review process.

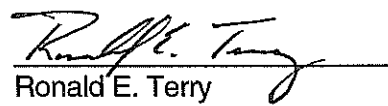
As required under Section 323D-43(b), Hawai'i Revised Statutes (HRS), the Agency finds that:

1. There is a public need for this proposal.
2. The cost of this proposal will not be unreasonable in light of the benefits it will provide and its impact on health care costs.

Accordingly, the State Health Planning and Development Agency hereby APPROVES and ISSUES a Certificate of Need to Bio-Medical Applications of California, Inc. for the proposal described in Certificate of Need application #07-33A. The maximum capital expenditure allowed under this approval is \$6,522,378.

#07-33A, Administrative Review Decision  
March 19, 2008  
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Please be advised that pursuant to Section 323D-47, HRS, any person may, for good cause shown, request in writing a public hearing for reconsideration of the Agency's decision within ten working days from the date of this decision. Accordingly, if no person makes such a timely request for reconsideration, this decision shall become final immediately after the deadline for making such a request has expired.

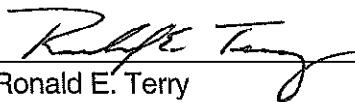
  
Ronald E. Terry  
Administrator

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the attached Administrative Review Decision was duly served upon the applicant by sending it by certified mail, return receipt requested, in the United States Postal Service addressed as follows on March 19, 2008.

Rick Duckworth  
CEO West Division Fresenius Medical Services  
Bio-Medical Applications of California, Inc.  
95 Hayden Avenue  
Lexington, MA 02420

HAWAII STATE HEALTH PLANNING  
AND DEVELOPMENT AGENCY

  
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Ronald E. Terry  
Administrator