



Paul R. LePage, Governor

Mary C. Mayhew, Commissioner

Department of Health and Human Services  
Licensing and Regulatory Services  
41 Anthony Avenue  
11 State House Station  
Augusta, Maine 04333-0011  
Tel.: (207) 287-9300; Fax: (207) 287-9307  
Toll Free (800) 791-4080; TTY Users: Dial 711 (Maine Relay)

February 14, 2017

Ms. Susan Weber  
Fresenius Kidney Care  
Denovo & Acquisition Implementation  
1 Lockwood Drive, Suite 300  
Pittsford, NY 14534

**RE: Letter of Non-Applicability: Proposed Construction of a 10 Station Hemodialysis Facility Located in Gardiner, Maine.**

Dear Ms. Weber:

This correspondence responds to yours dated February 6, 2017 in which BMA of Maine, Inc., a wholly owned subsidiary of Fresenius Medical Care, North America, proposes to build a 10 station hemodialysis facility located in Gardiner, Maine. BMA of Maine, Inc. currently owns and operates 10 dialysis facilities in Maine. The capital expenditures associated with this new health care facility are \$1,400,000.

Based solely on the information you provided, the Department of Health and Human Services has determined that the proposal as described is not subject to review. The applicable reason(s) this is not a covered project are indicated below:

- This project is not a transfer of ownership or acquisition of control of a health care facility.
- This project is not an acquisition of major medical equipment where the expenditure exceeds \$3,620,916.
- This project is not a new health service where:
  - Capital expenditures exceed \$3,394,609 or,
  - Third year annual expenditures exceed \$1,131,536.
- This project is not a new health care facility where:
  - Capital expenditures exceed \$5,000,000 for a nursing facility or
  - Capital expenditures exceed \$3,000,000 for other covered facilities.
- The total capital costs associated with the project does not exceed:
  - \$5,657,681 for nursing facilities.
  - \$11,315,363 for hospitals or other covered facilities.

At any time that you find that the threshold for this project has exceeded the indicated limit above you will need to apply for a review of the proposed project. The applicant is responsible for the accuracy of the information provided to the department.

Sincerely,

Richard S. Lawrence  
Senior Health Care Financial Analyst

cc: File