

**MISSISSIPPI DEPARTMENT OF HEALTH**  
**Division of Health Planning and Resource Development**  
**October 2006**

**Emergency Review No.: ESRD-ERE-0806-001**  
**DVA Healthcare Renal Care, Inc., d/b/a Ocean Springs Dialysis**  
**Replace and Relocate a 17-Station End Stage Renal Disease Facility**  
**Capital Expenditure: \$1,251,300**  
**Location: Ocean Springs, Mississippi**

**Staff Report**

**Project Summary:**

DVA Healthcare Renal Care, Inc. (DVA), d/b/a Ocean Springs Dialysis, Ocean Springs, Mississippi, requests an Emergency Certificate of Need to replace and relocate its 17-station end stage renal disease (ESRD) facility from 12 Marks Road to 13150 Ponce De Leon, Ocean Springs, Mississippi. The proposed location is approximately 4.3 miles from the current location, within Ocean Springs. The applicant submits that the facility was destroyed as a result of Hurricane Katrina on August 29, 2005. Photographs were submitted to substantiate the loss. In addition, the applicant submitted a letter from C. Robert Cherry, Architect recommending that the facility be relocated.

**Type of Review Required:**

Applications for emergency certificates of need are reviewed in accordance with Section 41-7-207 of the Mississippi Code of 1972, as amended, and with criteria and standards set forth in duly promulgated rules and regulations. Emergency certificates of need are valid for a period not to exceed 90 days, and a recipient of an emergency certificate of need (CON) must submit the appropriate CON application to the Department within 45 days of the effective date of the emergency CON, in accordance with rules and regulations set forth in the Certificate of Review Manual.

**Findings:**

The rules and regulations of the Mississippi Department of Health permit any health care facility, finding it a matter of immediate necessity to make a capital expenditure for replacement of or repair to equipment or facility caused by unforeseen or unpredictable events which may jeopardize the health and/or safety of the patients or such health care facility, to file an application for an Emergency Certificate of Need.

The applicant submits that a major portion of the brick wall on the southeast side of the Ocean Springs Dialysis facility collapsed, and the roof was also severely damaged. In addition, a week after the storm, DVA discovered that mold had begun to grow in the building. The applicant determined that due to the extent of the damage to the facility it had no choice but to relocate the clinic to another building in the same community in order to continue to serve its patients.

Immediately following the hurricane, DVA transferred approximately 58 patients went to the Singing River facility which is an additional 30 minutes drive time. Due to

overcrowding at the Singing River facility, DVA stated that it transferred 15 patients to its Lucedale facility which has an additional drive time of approximately 1½ hours. The applicant estimates that approximately 40-45 patients will return to the Ocean Springs location when the new facility is completed. Twenty-eight patients submitted statements that the travel time currently causes hardship for them and that they will relocate to the new facility if approved.

Replacement and relocation of the Ocean Springs Dialysis facility does not add capacity or services, and does not move the facility out of the market area for which the original facility served.

**Recommendation:**

This request is in substantial compliance with the *Certificate of Need Review Manual, Revised 2000*, and all adopted rules, procedures and plans of the Mississippi Department of Health. Therefore, the Division of Health Planning and Resource Development recommends approval of this request for an Emergency CON for replacement and relocation of the Ocean Springs Dialysis facility to 13150 Ponce De Leon, Ocean Springs, Mississippi.