

**STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
ADJUDICATIVE SERVICE UNIT**

In Re:

Certificate of Need Evaluation of the PUGET SOUND KIDNEY CENTERS APPLICATION PROPOSING TO ESTABLISH A NINE STATION DIALYSIS CENTER IN SKAGIT COUNTY and DAVITA APPLICATION PROPOSING TO ESTABLISH A NINE STATION DIALYSIS CENTER IN SKAGIT COUNTY,

DAVITA INC.,

Petitioner.

Master Case No. M2012-1073

REMAND ORDER

PRESIDING OFFICER: Frank Lockhart, Health Law Judge

Puget Sound Kidney Centers (PSKC) and DaVita, Incorporated (DaVita) both sought a certificate of need for kidney dialysis stations in Skagit County. The Presiding Officer found need for nine additional dialysis stations and awarded these stations to PSKC. On appeal, Thurston County Superior Court Judge Christine Schaller set aside the Presiding Officer's Order and ruled that both PSKC and DaVita should be awarded stations as equally as possible without exceeding the total number of stations projected for the planning area. On September 5, 2014, Judge Schaller remanded this case back to the Department of Health to take action within 30 days consistent with her judicial review order. Accordingly, this case is remanded to the Department of Health's Certificate of Need Program to issue Certificates of Need to both PSKC and DaVita consistent with Judge Schaller's ruling.

Dated this 6 day of October, 2014.

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/s/  
FRANK LOCKHART, Health Law Judge  
Presiding Officer

REMAND ORDER

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DECLARATION OF SERVICE BY MAIL

I declare that today I served a copy of this document upon the following parties of record:

**BRAD FISHER, LISA HAYWARD, BRIAN GRIMM, AND JIM BEAULAUER, ATTORNEYS AT LAW AND RICHARD MCCARTAN, AAG**  
by mailing a copy properly addressed with postage prepaid.

DATED AT OLYMPIA, WASHINGTON THIS \_\_\_\_ DAY OF OCTOBER, 2014.

\_\_\_\_\_  
Adjudicative Service Unit

cc: **JANIS SIGMAN**

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