

1199SEIU

United Healthcare Workers East

14006075

RECEIVED
MAR 28 2012
OFFICE OF THE CHAIRMAN

PRESIDENT
George Gresham

SECRETARY TREASURER
Maria Castaneda

EXECUTIVE VICE-PRESIDENTS
Norma Amsterdam
Yvonne Armstrong
Angela Doyle
Aida Garcia
George Kennedy
Steve Kramer
Patrick Lindsay
Joyce Neil
John Reid
Bruce Richard
Mike Rifkin
Monica Russo *
Neva Shillingford
Milly Silva
Veronica Turner
Estela Vazquez

March 28, 2012

Mr. Jon Leibowitz
Chairman, Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

Dear Commissioner Leibowitz:

VICE-PRESIDENTS AT LARGE
Mark Bergen
Gerard Cadet
Rickey Elliott
Dale Ewart *
Tim Foley
Pearl Granat
Vanessa Johnson
Pat Lippold
Bruce Popper
Barbara Rosenthal
Minerva Solla
Celia Wislo

I am writing to you regarding the merger of Fresenius Medical Care AG & Co. and Liberty Dialysis Holdings Inc., and the impending divestiture of 62 dialysis clinics. Per consent decree, the Federal Trade Commission (FTC) has instructed Fresenius to divest itself of 62 dialysis units nationwide to avoid anti-trust violations. Dutchess Dialysis at 2585 South Road in Poughkeepsie, New York is one of those healthcare facilities. The intended new owner is DSI Renal, Inc., Nashville, Tennessee.

VICE-PRESIDENTS
Jacqueline Alleyne
Ronnie Babb
Carolyn Brooks
Lisa Brown
Saily Cabral
Donald Crosswell
Armela Dixon
End Eckstein
Jerry Fishbein
Roy Garcia
Frances Gentile
Rebecca Gutman
Ruth Heller
Kwai Kin (David) Ho
Todd Hobler
Antonio Howell
Anne Jacobs-Moultre
Keith Joseph
Maria Kercado
Tyrek Lee
Rosa Lomuscio
Winslow Luna
Coraninita Mahr
Dalton Mayfield
Rhina Molina
Robert Moore *
Gerard Nordenberg
Isaac Nortey
Elsie Otero
Vasper Phillips
Rhadames Rivera
Victor Rivera
Rene R. Ruiz
James Scordato
Clauvica St. Hilaire
John Seales
Roma Shapiro
Allan Sherman
Patricia Smith
Greg Speller
Katherine Taylor
Clare Thompson
Kathy Tucker
Antoinette Turner
Nelson Valdez
Laurie Vallone
Mary Whitten
Fernando Wilson
Daine Williams
Cynthia Wolff
Gladys Wrenick

Fifty-two of the employees at Dutchess Dialysis are members of 1199SEIU, United Healthcare Workers East. They have a collective bargaining agreement with the employer, ratified on December 9, 2009 and expiring on April 30, 2013. We are concerned about the consequences that the Dutchess Dialysis/DSI Renal Inc. sale will have on the caregivers' employment and concomitant patient care, when the transaction to sell the facility is complete.

To mitigate this uncertainty and ensure continuity of care at Dutchess Dialysis, we propose that the FTC require the continued employment of current employees as a condition of the transfer, just as it has done for the physicians. Individuals with kidney disease live with chronic pain, fatigue, depression and other medical issues which impact their quality of life. In addition to the technical aspects of providing dialysis treatment, which demands high levels of professionalism, the well-being of each individual practitioner working in the dialysis clinic is directly related to the quality of care provided.

We urge you to take into consideration all matters of quality of life and peace of mind for the caregivers, patients and all of their families when making any decisions regarding the sale of Dutchess Dialysis to DSI Renal, Inc.

Sincerely,

Kevin Finnegan
Director, Politics & Legislation

GENERAL COUNSEL
Daniel J. Ratner

CHIEF FINANCIAL OFFICER & DIRECTOR OF ADMINISTRATION
Michael Cooperman

Cc: Commissioner J. Thomas Rosch
Commissioner Edith Ramirez
Commissioner Julie Brill

NEW YORK CITY
PRINCIPAL
HEADQUARTERS
310 West 43rd St.
New York, NY 10036
(212) 582-1890
www.1199seiu.org

ALBANY
155 Washington Ave
Albany, NY 12216
(518) 396-2909

HICKSVILLE
100 Duffy Ave., Suite 2 West
Hicksville, NY 11801
(516) 542-1115

BALTIMORE
611 North Eutaw Street
Baltimore, MD 21201
(410) 332-1199

KINGSTON
75 Crown Street
Kingston, NY 12401
(845) 239-1905

BOSTON
150 Mt. Vernon Street, 3rd Fl
Dorchester, MA 02125
(617) 284-1199

NEW JERSEY
555 Route 1 South, 3rd Fl.
Belm, NJ 08832
(732) 287-8113

BUFFALO
974 Kenmore Ave
Buffalo, NY 14216
(716) 982-0540

ROCHESTER
125 W. Broad St., Ste. B
Rochester, NY 14608
(585) 244-9830

FLORIDA
14645 NW 77th Avenue, Ste. #201
Miami Lakes, FL 33014
(305) 623-3000

SYRACUSE
404 Oak St., Suite 120
Syracuse, NY 13203
(315) 424-1743

GOUVERNEUR
35 E. Main St., 2nd Fl.
Gouverneur, NY 13641
(315) 287-9013

WHITE PLAINS
99 Church St
White Plains, NY 10603
(914) 993-6797

1199SEIU