

Supreme Court of North Carolina

**BIO-MEDICAL APPLICATION OF NORTH CAROLINA INC d/b/a BMA OF SOUTH GREENSBORO and
FRESENIUS KIDNEY CARE WEST JOHNSTON, Petitioner**

v

**NC DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF HEALTH SERVICE
REGULATION, HEALTH CARE PLANNING & CERTIFICATE OF NEED SECTION, Respondent**

and

**TOTAL RENAL CARE OF NORTH CAROLINA, LLC, d/b/a CENTRAL GREENSBORO DIALYSIS and
CLAYTON DIALYSIS, Respondent-Intervenor**

From N.C. Court of Appeals
(21-318)
From Office of Admin. Hearings
(20DHR2366 20DHR2367 20DHR2366 20DHR2367)

ORDER

Upon consideration of the petition filed on the 10th of May 2022 by Petitioner in this matter for discretionary review of the decision of the North Carolina Court of Appeals pursuant to G.S. 7A-31, the following order was entered and is hereby certified to the North Carolina Court of Appeals:

"Denied by order of the Court in conference, this the 14th of June 2023."

**s/ Allen, J.
For the Court**

WITNESS my hand and the seal of the Supreme Court of North Carolina, this the 21st day of June 2023.



A handwritten signature in blue ink, appearing to read "Grant E. Buckner".

Grant E. Buckner
Clerk, Supreme Court of North Carolina

M. C. Hackney
Assistant Clerk, Supreme Court Of North Carolina

Copy to:

North Carolina Court of Appeals

Mr. Marcus C. Hewitt, Attorney at Law, For Bio-Medical Application of North Carolina Inc. - (By Email)

Mr. Derek L. Hunter, Special Deputy Attorney General, For NC Department of Health And Human Services - (By Email)

Ms. Elizabeth Sims Hedrick, Attorney at Law, For Bio-Medical Application of North Carolina Inc. - (By Email)

Ms. Kimberly Randolph, Assistant Attorney General, For NC Department of Health And Human Services - (By Email)

Mr. Lee M. Whitman, Attorney at Law, For Total Renal Care Of North Carolina, LLC - (By Email)

Mrs. J. Blakely Kiefer, Attorney at Law, For Total Renal Care Of North Carolina, LLC - (By Email)

Mr. Troy D. Shelton, Attorney at Law, For Bio-Medical Application of North Carolina Inc. - (By Email)

Ms. Joy Heath, Attorney at Law, For N.C. Specialty Hospital, LLC - (By Email)

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