

October 1, 2019

Ms. Lisa Pittman, Assistant Chief, Certificate of Need  
Mr. Greg Yakaboski, Project Analyst  
Healthcare Planning and Certificate of Need Section  
Division of Health Service Regulation, NC DHHS  
2704 Mail Service Center  
Raleigh, NC 27699-2704

Re: Request for Public Hearing for CON Project ID #G-11754-19/Triad Breast Imaging Center/Develop a new diagnostic center including mammography, ultrasound, and dual energy x-ray absorption scan/FID #190382/Guilford County

Dear Ms. Pittman and Mr. Yakaboski,

I am writing to request that a public hearing be held for CON Project ID #G-11754-19. The project was proposed by Triad Breast Imaging Center, LLC, a subsidiary of Novant Health, Inc. and would establish a diagnostic center containing women's imaging services, including mammography, ultrasound, and bone densitometry (DEXA) equipment. The application was filed on August 15, 2019 for the review cycle beginning September 1, 2019.

Pursuant to NCGS § 131E-185(a1)(2), public hearings are only held under certain circumstances. The statute states:

*No more than 20 days from the conclusion of the written comment period, the Department shall ensure that a public hearing is conducted at a place within the appropriate service area if one or more of the following circumstances apply; the review to be conducted is competitive; the proponent proposes to spend five million dollars (\$5,000,000) or more; a written request for a public hearing is received before the end of the written comment period from an affected party as defined in G.S. 131E-188(c); or the agency determines that a hearing is in the public interest. At such public hearing oral arguments may be made regarding the application or applications under review; and this public hearing shall include the following:*

- a. An opportunity for the proponent of each application under review to respond to the written comments submitted to the Department about its application;*
- b. An opportunity for any person, except one of the proponents, to comment on the applications under review;*
- c. An opportunity for a representative of the Department, or such other person or persons who are designated by the Department to conduct the hearing, to question each proponent of applications under review with regard to the contents of the application;*

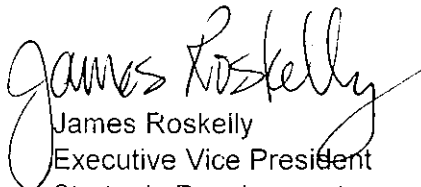
*The Department shall maintain a recording of any required public hearing on an application until such time as the Department's final decision is issued, or until a final agency decision is issued pursuant to a contested case hearing, whichever is later; and any person may submit a written synopsis or verbatim statement that contains the oral presentation made at the hearing.*

During its initial review of the application, the Department has determined that the proposed project is not competitive, the applicant did not propose to spend more than \$5,000,000, and the Department has not otherwise indicated that a public hearing is in the public interest. The only other criterion to hold a public hearing is at the written request of an affected party received before the end of the written comment period.

Cone Health fits the definition of affected person as defined in NCGS § 131E-188(c) as "any person who provides services, similar to the services under review, to individuals residing within the service area or geographic area proposed to be served by the applicant." Cone Health provides mammography, ultrasound, and bone densitometry services to patients residing in the proposed service area of Guilford and Rockingham Counties as described on page 22 of the applicant's CON application. Cone Health offers mammography and bone densitometry services at two (2) locations within the applicant's proposed services: MedCenter High Point in Guilford County and Annie Penn Hospital in Rockingham County. Cone Health offers ultrasound services at both aforementioned locations as well as numerous other locations throughout both Guilford and Rockingham Counties, most notably at Women's Hospital in Guilford County. Please see *Attachment 1* for patient origin for Cone Health's mammography, ultrasound, and bone densitometry services demonstrating that these services are provided to individuals residing within the service area. Based on these data, Cone Health meets the definition of an affected party as required by NCGS § 131E-185(a1)(2).

Based on the foregoing information, Cone Health requests a public hearing be held via this written notice from an affected party for CON Project ID #G-11754-19 pursuant to NCGS § 131E-185(a1)(2). If you have any questions about this request, please contact me at (336) 832-8199.

Sincerely,

  
James Roskelly  
Executive Vice President  
Strategic Development

# Attachment 1

**Patient Origin for Guilford and Rockingham Counties  
 MedCenter High Point, Annie Penn Hospital, and Women's Hospital  
 Selected Imaging Services  
 FY 2018**

<b>MedCenter High Point</b>			
<b>County</b>	<b>Mammography</b>	<b>Ultrasound</b>	<b>DEXA</b>
Guilford	969	2,081	274
Rockingham	19	48	14

<b>Annie Penn Hospital</b>			
<b>County</b>	<b>Mammography</b>	<b>Ultrasound</b>	<b>DEXA</b>
Guilford	134	208	17
Rockingham	3,499	4,446	550

<b>Women's Hospital</b>	
<b>County</b>	<b>Ultrasound</b>
Guilford	3,782
Rockingham	177

Note: DEXA = bone densitometry  
 Note: Data represent patients, not procedures  
 Source: Cone Health Financial Systems