

**Comments in Opposition to
Project ID # J-011753-19-18 – Triangle Orthopaedics Surgery Center**

Comments Submitted by Wake Spine and Specialty Surgery Center, LLC (“WSSSC”)

Pursuant to NCGS § 131E-185, WSSSC submits the following comments in opposition to the CON application submitted by Triangle Orthopaedics Surgery Center (“TOSC”).

Unreasonable Physician Letters of Support Projected Volumes

On page 33 of the CON application, TOSC states:

“Physician letters of support included in Exhibit C.4 demonstrate that the proposed surgical specialties and ambulatory surgery utilization projections are based on the reasonable and conservative estimates from physicians.”

DUHS makes this statement, then includes a table with a range of projected annual OR cases. For the purpose of these comments WSSSC will only address the low range of projected annual OR cases. The physician letters of support included in Exhibit C.4 identify the number of cases the physician will perform this year and then the number of additional cases the physician will perform in the operating rooms. This means that the low range of projected annual OR cases in the table on page 34 of the CON application includes both current year anticipated cases and additional projected cases. Knowing that the low range includes both allows for a comparison between the physicians’ current year anticipated cases and low range of projected annual OR cases. The table in the following page shows that comparison.

Name	Current Year	Low Range	Projected Increase
Aldrige	100	200	100.0%
Bagsby	0	50	
Bowers	40	90	125.0%
Bowman	75	175	133.3%
Buckel	0	50	
Burt	160	210	31.3%
Dellaero	60	110	83.3%
Desai	5	55	1000.0%
Dimming	20	70	250.0%
Gilbert	50	100	100.0%
Hage	280	330	17.9%
Hannibal	0	50	
Hernandez-Soria	40	50	25.0%
Kerner	250	300	20.0%
Kuremsky	650	725	11.5%
Liebert	5	30	500.0%
Merz	60	110	83.3%
Musante	10	120	1100.0%
Romine	100	175	75.0%
Rosenblum	300	350	16.7%
Rutherford	20	75	275.0%
Silver	10	85	750.0%
Solic	250	300	20.0%
Takenga	80	160	100.0%
Viens	125	200	60.0%
Wilson	5	55	1000.0%

Source: Exhibit C.4

Physicians projected increases range from a low of 11.5 percent to a high of 1100.0 percent. These estimated increases are not “reasonable and conservative estimates” as TOSC would have the Agency believe.

Pro Forma Financial Statements

1. The pro forma financial statements are unreasonable because of the unreasonable volume projections from the physician letters of support.
2. Form F.3 is incorrect as several expense line items are NOT equal to their supposed assumptions. At a minimum the following line items are incorrect including Equipment Maintenance, Utilities, Rental Expense (Equipment), and Other Expenses (Misc Expense).
3. As a result, Form F.2 is incorrect because the erroneous amounts in Form F.3 are transferred to Form F.2 in the Total Operating Costs line item.

Operating Room Need

On page 106 of the CON application, TOSC uses 4,951 OR cases to show need for the operating rooms. However, the 4,951 OR cases include Pain Management cases, which are non-surgical cases even if they are performed in an operating room as noted in the table Non-Surgical Cases by Category in the License Renewal Application for Ambulatory Surgical Facilities.