



North Carolina Department of Health and Human Services
Division of Health Service Regulation
Certificate of Need Section

2704 Mail Service Center • Raleigh, North Carolina 27699-2704
<http://www.ncdhhs.gov/dhsr/>

Drexdal Pratt, Director

Beverly Eaves Perdue, Governor
Albert A. Delia, Acting Secretary

Craig R. Smith, Section Chief
Phone: (919) 855-3873
Fax: (919) 733-8139

March 30, 2012

Maureen Demarest Murray
Smith Moore Leatherwood, LLP
PO Box 21927
Greensboro, NC 27420

RE: No Review / Blue Ridge HealthCare System / Develop outpatient pain clinic / Burke County


Dear Ms. Murray:


The Certificate of Need (CON) Section received your letter of March 20, 2012 regarding the above referenced proposal. Based on the CON law **in effect on the date of this response to your request**, the proposal described in your correspondence is not governed by, and therefore, does not currently require a certificate of need. However, please note that if the CON law is subsequently amended such that the above referenced proposal would require a certificate of need, this determination does not authorize you to proceed to develop the above referenced proposal when the new law becomes effective.

It should be noted that this determination is binding only for the facts represented by you. Consequently, if changes are made in the project or in the facts provided in your correspondence referenced above, a new determination as to whether a certificate of need is required would need to be made by the Certificate of Need Section. Changes in a project include, but are not limited to: (1) increases in the capital cost; (2) acquisition of medical equipment not included in the original cost estimate; (3) modifications in the design of the project; (4) change in location; and (5) any increase in the number of square feet to be constructed.

In addition, you should contact the Construction Section to determine if they have any requirements for development of the proposed project. Please contact the CON Section if you have any questions. Also, in all future correspondence you should reference the Facility I.D.# (FID) if the facility is licensed.

Sincerely,


Les Brown
Project Analyst


Craig R. Smith, Chief
Certificate of Need Section

cc: Construction Section, DHSR





SMITH MOORE LEATHERWOOD

les

March 20, 2012



Via E-mail and U.S. Mail

Mr. Craig R. Smith, Chief
Ms. Fatimah Wilson, Project Analyst
North Carolina Department of Health
Service Regulation
Certificate of Need Section
2704 Mail Service Center
Raleigh, North Carolina 27696-2704

Re: Information on No Review Request for Development of Outpatient Pain Care Clinic in Burke County by Blue Ridge HealthCare System, Inc.

Dear Mr. Smith and Ms. Wilson:

We represent Blue Ridge HealthCare System, Inc., Valdese Hospital, Inc. and Grace Hospital, Inc. This letter is a follow up to Blue Ridge's March 11, 2011 letter to you concerning development of an outpatient pain care clinic in a medical office building on North Carolina Highway 321 in Burke County. The CON Section determined that the proposed outpatient pain care clinic did not require certificate of need review or a certificate of need in a letter dated April 21, 2011. The outpatient pain care clinic has been developed in accordance with Blue Ridge's correspondence with the CON Section and the project is now complete.

In the March 11, 2011 letter, Blue Ridge represented that the outpatient pain care clinic would be a department of Valdese Hospital under its license. Blue Ridge has evaluated the operation of the outpatient pain care clinic and prefers instead that it be an outpatient department of Grace Hospital under the Grace Hospital license. All other representations remain the same. As you know, both Grace Hospital and the pain clinic are located in Burke County.

We would appreciate your written confirmation that a change of the outpatient pain care clinic to being a department of Grace Hospital rather than Valdese Hospital is not a new institutional health service, is exempt and no certificate of need review or a certificate of need is required. Should you have any questions or need any further information, please let us know.

Mr. Craig R. Smith, Chief
Ms. Fatimah Wilson, Project Analyst
March 20, 2012
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With kind regards, I am

Very truly yours,

SMITH MOORE LEATHERWOOD LLP



Maureen Demarest Murray

MDM/is

cc: Deanne Smith, Blue Ridge HealthCare *via e-mail*
Thom Eure, Blue Ridge HealthCare *via e-mail*