



North Carolina Department of Health and Human Services  
Division of Health Service Regulation

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Secretary DHHS

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Division Director

January 28, 2014

Jack C. Cole, DO  
2210 Hemby Lane  
Greenville, North Carolina 27834

**Exempt from Review – Acquisition of Facility**


Facility: Gastroenterology East Endoscopy Center  
Acquisition by: Gastroenterology East, PA  
County: Pitt  
FID #: 061341


Dear Dr. Cole:

In response to your letter of January 7, 2014 and received by the Certificate of Need Section on January 15, 2014, the above referenced proposal is exempt from certificate of need review in accordance with G.S. 131E-184(a)(8). Therefore, Gastroenterology East, PA may proceed to acquire the above referenced health service facility without first obtaining a certificate of need. However, you need to contact the Acute and Home Care Licensure and Certification Section of the Division of Health Service Regulation to obtain instructions for changing ownership of the existing facility. Note that pursuant to G.S. 131E-181(b): *“A recipient of a certificate of need, or any person who may subsequently acquire, in any manner whatsoever permitted by law, the service for which that certificate of need was issued, is required to materially comply with the representations made in its application for that certificate of need.”*

It should be noted that this Agency's position is based solely on the facts represented by you and that any change in facts as represented would require further consideration by this Agency and a separate determination. If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

  
Jane Rhoe-Jones  
Project Analyst

  
Martha J. Frisone, Interim Chief  
Certificate of Need Section

cc: Acute and Home Care Licensure and Certification Section, DHSR



**Certificate of Need Section**

www.ncdhhs.gov

Telephone: 919-855-3873 • Fax: 919-733-8139

Location: Edgerton Building • 809 Ruggles Drive • Raleigh, NC 27603

Mailing Address: 2704 Mail Service Center • Raleigh, NC 27699-2704

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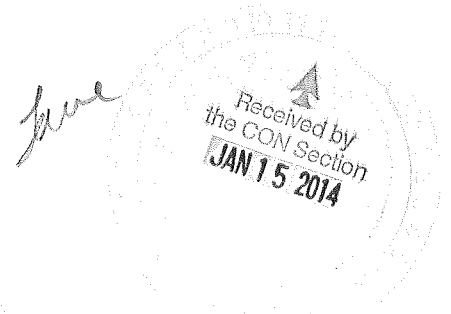


# Gastroenterology East, P.A. & Endoscopy Center

Jack C. Cole, D.O.  
Gastroenterologist

Jessica L Brown, NP-C  
January 7, 2013

Ms. Jane Rhoe-Jones  
Project Analyst, Certificate of Need Section  
Division of Health Service Regulation  
North Carolina Division of Health and Human Services  
2704 Mail Service Center  
Raleigh, NC 27699



Re: Notice of intent to acquire an existing health service facility

Ms. Rhoe-Jones:

This letter is to inform you that Gastroenterology East, P.A. (GastroEast) intends to acquire 100 percent ownership of the Certificate of Need for Gastroenterology East Endoscopy Center (FID# 061341), a licensed Ambulatory Surgery Center with three endoscopy rooms located at 2210 Hemby Lane, Greenville, North Carolina 27834.

The Certificate of Need for the Gastroenterology East Endoscopy Center is jointly owned by GastroEast and Investment Company of Carolina, LLC (ICC). GastroEast and ICC were co-applicants on Certificate of Need applications P-7766-06 and Q-8253-08. In both applications GastroEast was the Lessee and ICC was the Lessor. Pursuant to Division of Health Service Regulation, Certificate of Need Section guidance ICC was a co-applicant because Jack C. Cole, D.O. is the sole member of GastroEast and ICC.

On 10/16/2013, ICC signed a purchase contract to sell the real property it owns at 2210 Hemby Lane, Greenville, North Carolina 27834 to an unrelated third party. The purchase contract specifically excludes the Certificate of Need for the Gastroenterology East Endoscopy Center. ICC expects to close within two weeks. Upon closing, ICC will have no interest in the real property of 2210 Hemby Lane and will surrender all interest in the Certificate of Need for the Gastroenterology East Endoscopy Center to GastroEast.

Gastroenterology East Endoscopy Center will continue to operate under the same tax identification number and will continue to operate under the terms of its Certificate of Need. There will also be no change in the Medicare and Medicaid numbers.

GastroEast is requesting confirmation that acquiring 100 percent ownership of Gastroenterology East Endoscopy Center, an existing health service facility, is exempt from review pursuant to N.C.G.S. 131E-184(a)(8).

If you have any questions please do not hesitate to contact me at 252-551-3000.

Sincerely,

Jack C. Cole, D.O.  
Gastroenterology East, P.A.  
Investment Company of Carolina, LLC