



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

Roy Cooper  
Governor

Dempsey E. Benton  
Interim Secretary DHHS

Mark Payne, Director  
Health Service Regulation

January 23, 2017

Eli Zabrud, Managing Member  
Attain Properties, LLC  
923 Crabtree Crossing Parkway  
Morrisville NC 27560

**Exempt from Review – Physician Office**

**Record #:** 2138  
**Business Name:** Attain Properties, LLC  
**Business #:** 2549  
**Project Description:** Develop a physician office building on Attain Street in Fuquay-Varina  
**County:** Wake

Dear Mr. Zabrud:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency), determined that based on your letter of December 13, 2016, the above referenced proposal is exempt from certificate of need review in accordance with N.C. Gen. Stat. §131E-184(a)(9). Therefore, you may proceed to offer, develop or establish the above referenced project without a certificate of need.

However, you need to contact the Agency's Construction and the Acute and Home Care Licensure and Certification Sections to determine if they have any requirements for development of the proposed physician office.

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 the Agency and a separate determination. If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

Michael J. McKillip  
Project Analyst

Martha J. Frisone  
Assistant Chief, Certificate of Need

cc: Construction Section, DHSR  
Acute and Home Care Licensure and Certification Section, DHSR  
Paige Bennett, Assistant Chief, Healthcare Planning, DHSR

**Healthcare Planning and Certificate of Need Section**

[www.ncdhhs.gov](http://www.ncdhhs.gov)

Telephone: 919-855-3873 • Fax: 919-715-4413

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

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

An Equal Opportunity/ Affirmative Action Employer





Attain Properties, LLC

December 13, 2016

Ms. Martha J. Frisone, Assistant Chief  
Certificate of Need Section  
Department of Health Service Regulation  
Department of Health and Human Services  
809 Ruggles Drive  
Raleigh, NC 27603



**RE: Request for No Review Determination for 601 Attain St. Medical Office Building,  
Fuquay-Varina, Wake County**

Dear Ms. Frisone:

The purpose of this letter is to provide notice to the North Carolina Department of Health and Human Services, Division of Health Service Regulation ("DHSR"), Certificate of Need Section (the "CON Section") that Attain Properties, LLC proposes to develop a medical office building at 601 Attain St. in Fuquay-Varina, Wake County, North Carolina. Total usable square footage of the proposed building will be 10,500 square feet.

Per N.C. GS 131E-184(a)(9), a "new institutional health service" is exempt from review if the project is "To develop or acquire a physician office building regardless of cost." The proposed physician office building at 601 Attain St. will meet the definition in N.C. GS 131E-184(a)(9) and therefore is exempt from CON review.

Moreover, Attain Properties, LLC and its related entities are not healthcare providers and do not plan to develop or offer any new institutional health services in the medical office building once the building is complete. If a tenant decides to develop any new institutional health services in the medical office building, the tenant will be responsible for seeking CON approval, if necessary.

We are requesting that the Agency confirm that the proposed office building is exempt from review under the CON law's exemption provisions in N.C. Gen. Stat. § 131E-184(a)(9). We respectfully request a written determination form the Agency providing this confirmation.

Sincerely,

Eli Zabrud  
Managing Member  
Attain Properties, LLC