



DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF HEALTH SERVICE REGULATION

ROY COOPER
GOVERNOR

MANDY COHEN, MD, MPH
SECRETARY

MARK PAYNE
DIRECTOR

July 31, 2017

Noah H. Huffstetler, III
4140 Parklake Avenue, Second Floor
Raleigh, NC 27612

No Review

Record #: 2340
Facility Name: Private Diagnostic Clinic, PLLC
FID #: 101140
Business Name: Private Diagnostic Clinic, PLLC
Business #: 1478
Project Description: Acquire medical diagnostic equipment for use in various practices
County: Durham

Dear Mr. Huffstetler:


The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) received your letter of June 26, 2017 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.

However, you need to contact the Agency's Radiation Protection Section to determine if they have any requirements for development of the proposed project.

It should be noted that this determination is binding only for the facts represented in your correspondence. 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 this office. 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.

Please contact this office if you have any questions. Also, in all future correspondence you should reference the Facility ID # (FID) if the facility is licensed.

Sincerely,


Bernetta Thorne-Williams
Project Analyst


Martha J. Frisone, Chief
Healthcare Planning and Certificate of Need Section

cc: Radiation Protection Section, DHSR
Paige Bennett, Assistant Chief, Healthcare Planning, DHSR

HEALTHCARE PLANNING AND CERTIFICATE OF NEED SECTION
WWW.NCDHHS.GOV

TELEPHONE 919-855-3873

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



Nelson Mullins

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Record # 2340
FID # 101140
Bus. # 1478



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noah.huffstetler@nelsonmullins.com

June 26, 2017

By Hand Delivery

Martha J. Frisone, Assistant Chief
Healthcare Planning and Certificate of Need Section
Division of Health Service Regulation
N.C. Dept. of Health and Human Services
809 Ruggles Drive, Edgerton Building
Raleigh, NC 27602

RE: Request for No Review Determination Private Diagnostic Clinic, PLLC

Dear Ms. Frisone:

On behalf of our client, Private Diagnostic Clinic, PLLC ("PDC"), we are writing to request a determination that the transaction described in this letter is not subject to certificate of need review. PDC currently leases clinical space in three separate components of the Duke University Hospital building complex. An aerial view of those components is attached to this letter, which shows the Hudson building outlined in red, the Wadsworth building outlined in green, and the Albert Eye Research Institute outlined in yellow. The clinical practices operated by PDC in the three areas are marketed as the Duke Eye Center, which is not a separately incorporated entity.

PDC plans to acquire certain medical diagnostic equipment for use in the various practices in these leased spaces. For purposes of this request, PDC has analyzed the cost of all of this medical diagnostic equipment which individually costs more than \$10,000. In the aggregate, the total cost of such equipment exceeds \$500,000. However, this equipment will be distributed into each of the three locations in which PDC leases space, and the total cost of the equipment in any one of the clinic locations will be less than \$500,000.

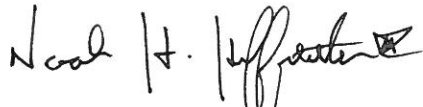
Based on the information provided in this letter, PDC requests a determination from the North Carolina Department of Health and Human Services, Division of Health Service Regulation, Health Planning and Certificate of Need Section that the acquisition of this medical

Martha J. Frisone, Assistant Chief
June 26, 2017
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diagnostic equipment will not constitute the development of a “diagnostic center” pursuant to N.C. Gen. Stat. § 131E-176(7a), and will not be otherwise subject to certificate of need review. Please contact me if you need any further information to consider this request. As always, we appreciate your attention to this matter.

With best wishes, we are very truly yours

NELSON MULLINS RILEY &
SCARBOROUGH LLP

A handwritten signature in black ink, appearing to read "Noah H. Huffstetler, III". The signature is written in a cursive style with a small square mark at the end.

Noah H. Huffstetler, III

NHH/jkb
Enclosures

cc: Frederick R. Zufelt, Esq. (via electronic mail)
Guy R. DeCarlucci, Esq. (via electronic mail)

