



DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF HEALTH SERVICE REGULATION

ROY COOPER  
GOVERNOR

MANDY COHEN, MD, MPH  
SECRETARY

MARK PAYNE  
DIRECTOR

November 17, 2017

Frank Kirschbaum  
Wyrick Robbins Yates & Ponton, LLP  
PO Drawer 17803  
Raleigh, North Carolina 27619

**No Review**

**Record #:** 2440  
**Facility Name:** Seashore Imaging  
**FID #:** 090159  
**Business Name:** Eastern Radiologists, Inc.  
**Business #:** 689  
**Project Description:** Technical services agreement for Eastern Radiologists, Inc. to purchase MRI services from Seashore Imaging  
**County:** Carteret

Dear Mr. Kirschbaum:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) received your letter of November 10, 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 Acute Care Licensure and Certification 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

**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



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,

  
Jane Rhoe-Jones  
Project Analyst

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

cc: Acute and Home Care Licensure and Certification Section, DHSR  
Sharetta Blackwell, Program Assistant, Healthcare Planning, DHSR



Wyrick Robbins Yates & Ponton LLP  
ATTORNEYS AT LAW

4101 Lake Boone Trail, Suite 300, Raleigh, NC 27607

PO Drawer 17803, Raleigh, NC 27619

P: 919.781.4000 F: 919.781.4865 www.wyrick.com

[fkirschbaum@wyrick.com](mailto:fkirschbaum@wyrick.com)

November 10, 2017



**VIA EMAIL**

Ms. Martha Frisone  
Chief, Healthcare Planning and Certificate of Need Section  
NC Division of Health Service Regulation  
North Carolina Department of Health and Human Services  
809 Ruggles Drive  
Raleigh, NC 27603

**RE: *Eastern Radiologists, Inc. and Seashore Imaging, LLC***

Dear Martha:

Seashore Imaging (the "Center") is a freestanding diagnostic center, as defined in N.C. Gen. §131E-176(7a), located in Morehead City, North Carolina and owned by Seashore Imaging, LLC ("Seashore"). Seashore provides imaging services at the Center, utilizing its fixed MRI scanner, which has a cost or fair market value in excess of \$500,000. Our client, Eastern Radiologists, Inc., is a North Carolina professional corporation comprised of radiologists ("ERI").

ERI hereby gives notice to the Healthcare Planning and Certificate of Need Section (the "Agency") that on or about November 13, 2017, Seashore and ERI will enter into a Technical Services Agreement pursuant to which ERI will purchase technical MRI services from the Center, and will be the provider of professional radiology services. The ownership of the Center will remain with Seashore.

We believe that this operational change does not constitute a "new institutional health service" as defined in N.C. Gen. Stat. § 131E-176(16) that requires Agency review and approval. However, in an abundance of caution, we are providing prior written notice of the proposed arrangement to the Agency.

Very truly yours,

WYRICK ROBBINS YATES & PONTON LLP

A handwritten signature in black ink, appearing to be 'Frank Kirschbaum'.

Frank Kirschbaum