



DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF HEALTH SERVICE REGULATION

ROY COOPER
GOVERNOR

MANDY COHEN, MD, MPH
SECRETARY

MARK PAYNE
DIRECTOR

March 13, 2018

Thomas W. Huyck
PO Box 2600
Boone, NC 28607

Exempt from Review – Acquisition of Facility

Record #: 2541
Facility Name: Appalachian Gastroenterology
Type of Facility: Ambulatory Surgery Center
FID #: 070167
Acquisition by: Appalachian Regional Medical Associates, Inc.
Business #: 2810
County: Watauga

Dear Mr. Huyck:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) determined that based on your letter of March 7, 2018, the above referenced proposal is exempt from certificate of need review in accordance with N.C. Gen. Stat. §131E-184(a)(8). Therefore, Appalachian Regional Medical Associates, Inc. may proceed to acquire the above referenced health service facility without first obtaining a certificate of need. However, you need to contact the Agency's Acute and Home Care Licensure and Certification Section to obtain instructions for changing ownership of the existing facility. Note that pursuant to N.C. Gen. Stat. §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.

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



Thomas W. Huyck
March 13, 2018
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If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,



Julie M. Faenza
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



**APPALACHIAN REGIONAL
HEALTHCARE SYSTEM**

March 7, 2018



VIA OVERNIGHT MAIL

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

Re: No Review Letter for Appalachian Regional Medical Associates, Inc.

Dear Ms. Frisone:

I am writing on behalf of my client, Appalachian Regional Healthcare System, Inc., and its affiliate, Appalachian Regional Medical Associates, Inc., a North Carolina nonprofit corporation (“ARMA”), to provide notice to the Healthcare Planning and Certificate of Need Section pursuant to N.C. Gen. Stat. § 131E-184(a)(8) that, effective on April 1, 2018, ARMA will acquire substantially all of the assets utilized in the operation of Appalachian Gastroenterology, P.A. (“Appalachian GI”). Included in this transaction are all of the assets utilized in the operation of Appalachian GI’s ambulatory surgical clinic (“Appalachian GI’s ASC”), which operates under License Number AS0095.

N.C. Gen. Stat. § 131E-184(a)(8) provides that if the Department receives prior written notice from an entity that it will “acquire an existing health service facility, including equipment owned by the health service facility at the time of the acquisition,” the Department “shall exempt” such project from certificate of need review.

On behalf of ARMA, I respectfully request a written response from the Healthcare Planning and Certificate of Need Section confirming that ARMA’s acquisition of Appalachian GI’s ASC, as described herein, is exempt from CON review pursuant to N.C. Gen. Stat. § 131E-184(a)(8).

Thank you in advance for your assistance with this important matter, and please do not hesitate to contact me at (828) 268-8915 or thuyck@apprhs.org if you have any questions or require additional information.

Sincerely,

Thomas W. Huyck, Esq.
Chief Legal & Corporate Compliance Officer
Appalachian Regional Healthcare System, Inc