



NC DEPARTMENT OF  
**HEALTH AND  
HUMAN SERVICES**

ROY COOPER • Governor

MANDY COHEN, MD, MPH • Secretary

MARK PAYNE • Director, Division of Health Service Regulation

September 27, 2019

Robert A. Leandro  
[robbleandro@parkerpoe.com](mailto:robbleandro@parkerpoe.com)

**No Review**

**Record #:** 3039  
**Facility Name:** Rutherford Regional Medical Center  
**FID #:** 923438  
**Business Name:** DLP Rutherford Regional Health System, LLC  
**Business #:** 2912  
**Project Description:** Provide interventional/therapeutic cardiac catheterization services using existing "grandfathered" cardiac catheterization unit in accordance with the current standard of care for facilities without onsite cardiac surgery  
**County:** Rutherford

Dear Mr. Leandro:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) received your correspondence 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 that correspondence is not governed by, and therefore, does not currently require a certificate of need. 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.

You may need to contact the Agency's Construction and Acute and Home Care Licensure and Certification Sections to determine if they have any requirements for development of the proposed project.

This determination is binding only for the facts represented in your correspondence. If changes are made in the project or in the facts provided in the correspondence referenced above, a new determination as to whether a certificate of need is required would need to be made by this office.

Please do not hesitate to contact this office if you have any questions.

Sincerely,

Ena Lightbourne  
Project Analyst

Martha J. Frisone  
Chief

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

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF HEALTH SERVICE REGULATION

HEALTHCARE PLANNING AND CERTIFICATE OF NEED SECTION

LOCATION: 809 Ruggles Drive, Edgerton Building, Raleigh, NC 27603  
MAILING ADDRESS: 809 Ruggles Drive, 2704 Mail Service Center, Raleigh, NC 27699-2704  
<https://info.ncdhhs.gov/dhsr/> • TEL: 919-855-3873

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER



**Robert A. Leandro**  
*Partner*  
Telephone: 919.835.4636  
Direct Fax: 919.834.4564  
robbleandro@parkerpoe.com

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Atlanta, GA  
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August 21, 2019

**VIA U.S. MAIL AND ELECTRONIC MAIL**

Martha Frisone, Chief  
Healthcare Planning and Certificate of Need Section  
North Carolina Department of Health and Human Services  
2704 Mail Service Center  
Raleigh, North Carolina 27699-2704  
[Martha.Frisone@dhhs.nc.gov](mailto:Martha.Frisone@dhhs.nc.gov)

RE: No Review Letter Regarding Cardiac Catheterization Unit

Dear Ms. Frisone:

This letter is intended to provide notice to the Healthcare Planning and Certificate of Need Section (the "Agency") that our client, DLP Rutherford Regional Health System, LLC d/b/a Rutherford Regional Medical Center ("Rutherford"), is planning to provide interventional/therapeutic cardiac catheterization services using its exiting cardiac catheterization unit at the hospital located at 288 South Ridgecrest Avenue, Rutherfordton, North Carolina. Rutherford has provided diagnostic cardiac catheterization services since at least 1989 and is authorized to own and operate cardiac catheterization equipment.

As you are aware, the Certificate of Need regulation for cardiac catheterization equipment, which provided that hospitals that do not offer open heart surgery services are restricted from utilizing their cardiac catheterization service for therapeutic/interventional procedures, was repealed in February of 2016. Given that the Agency no longer restricts whether a hospital without open heart surgery onsite can provide therapeutic/interventional cardiac cath services, this letter is intended to notify the Agency of Rutherford's intent to utilize its cardiac cath unit to provide therapeutic/interventional procedures. There is no cost associated with this proposal as Rutherford's existing cardiac catheterization unit is capable of providing therapeutic/interventional services and no upgrades are necessary to the equipment at this time.

In regard to its future provision of therapeutic/interventional procedures on its existing cardiac catheterization unit, Rutherford has reviewed and will comply with the standards set forth in the ACCF/AHA/SCAI 2013 Update of Clinical Competence Statement on Coronary Artery Interventional Procedures.

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Rutherford has all of the clinical and technical experience and agreements in place to adopt these standards.

Please confirm that the Agency agrees with our assessment and that Rutherford's may act as set forth above without CON approval. I greatly appreciate your attention to this matter. If you have any questions, please feel free to contact me directly.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert A. Leandro", with a stylized flourish at the end.

Robert A. Leandro