



NC DEPARTMENT OF HEALTH AND HUMAN SERVICES

ROY COOPER • Governor
MANDY COHEN, MD, MPH • Secretary
MARK PAYNE • Director, Division of Health Service Regulation

VIA EMAIL ONLY

August 6, 2020

Robert A. Leandro
robleandro@parkerpoe.com

No Review

Record #: 3328
Facility Name: Rutherford Regional Medical Center
FID #: 923438
Business Name: DLP Rutherford Regional Health System, LLC
Business #: 2912
Project Description: Change in indirect ownership interest
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 Acute and Home Care Licensure and Certification Section 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,

[Handwritten signature of Ena Lightbourne]

Ena Lightbourne
Project Analyst

[Handwritten signature of Martha J. Frisone]

Martha J. Frisone
Chief

cc: 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



Robert A. Leandro

Partner

t: 919.835.4636

f: 919.834.4564

robbleandro@parkerpoe.com

Atlanta, GA
Charleston, SC
Charlotte, NC
Columbia, SC
Greenville, SC
Raleigh, NC
Spartanburg, SC
Washington, DC

July 27, 2020

Via E-mail: Martha.Frisone@dhhs.nc.gov

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

Re: Rutherford Regional No Review Request

Dear Ms. Frisone:

Our firm represents DLP Rutherford Regional Health System, LLC (“Rutherford”), now known as Rutherford Regional Health System (the “Hospital”). Currently, DLP Healthcare, LLC (“DLP”) owns eighty percent (80%) of the membership interest in the Hospital and RHI Legacy Foundation, Inc. f/k/a Rutherford Hospital Incorporated (“RHI Legacy”) owns a twenty percent (20%) membership interest in the Hospital.

As the result of a pending transaction, which the parties plan to close in the coming days, DLP will be purchasing RHI Legacy’s membership interest and will become the sole owner of the Hospital. Based on the facts above, it does not appear that a CON is required for this transaction. However, to the extent necessary, please consider this letter prior notice of the transaction set forth above.

Please confirm that this transaction is exempt from CON review. Thank you for your consideration of this matter and should you have any questions, please feel free to contact me directly.

Sincerely,

A handwritten signature in black ink that reads 'Robt A. Leandro'.

Robert A. Leandro

PPAB 5743020v2

From: [Frisone, Martha](#)
To: [Waller, Martha K](#)
Subject: FW: [External] Rutherford Regional No Review Letter
Date: Monday, July 27, 2020 4:04:41 PM
Attachments: [Letter to Martha Frisone Re Rutherford Transaction.pdf](#)

Martha J. Frisone

Chief

[Division of Health Service Regulation](#), Healthcare Planning and Certificate of Need
[NC Department of Health and Human Services](#)

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Office: 919-855-3879

martha.frisone@dhhs.nc.gov

809 Ruggles, Edgerton
2704 Mail Service Center
Raleigh, NC 27699-2704

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From: Leandro, Robert A. <robbleandro@parkerpoe.com>

Sent: Monday, July 27, 2020 4:04 PM

To: Frisone, Martha <martha.frisone@dhhs.nc.gov>

Subject: [External] Rutherford Regional No Review Letter

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to report_spam@nc.gov

Martha,

I hope you are well. Please find attached the following No Review Letter. If you have any questions please let me know.

Robb

Robert Leandro

Partner

Find our latest health care analysis [here](#).



PNC Plaza | 301 Fayetteville Street | Suite 1400 | Raleigh, NC 27601
Office: 919.835.4636 | Fax: 919.834.4564 | [vcard](#) | [map](#)

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