



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

June 25, 2020

Robert A. Leandro
Robbleandro@parkerpoe.com

Exempt from Review – Replacement Equipment

Record #: 3302
Facility Name: Haywood Regional Medical Center
FID #: 933234
Business Name: DLP Haywood Regional Medical Center, LLC
Business #: 2153
Project Description: Replace a nuclear camera
County: Haywood

Dear Mr. Leandro:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency), determined that based on your letter of June 3, 2020, the above referenced proposal is exempt from certificate of need review in accordance with N.C. Gen. Stat. §131E-184(a)(7). Therefore, you may proceed to acquire a replacement nuclear camera without a certificate of need.

Moreover, you need to contact the Agency’s Acute and Home Care Licensure and Certification and Radiation Protection Sections to determine if they have any requirements for development of the proposed project.

It should be noted that the 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 office and a separate determination. If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

Ena Lightbourne
Project Analyst

Martha J. Frisone
Chief

cc: Acute and Home Care Licensure and Certification Section, DHSR
Radiation Protection 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
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**Robert A. Leandro**

**Partner**

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

June 3, 2020

**Via E-mail: [martha.frisone@dhhs.nc.gov](mailto: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, North Carolina 27699-2704

**Re: Request for No Review Determination Regarding Haywood Regional Medical Centers Purchase of Nuclear Camera.**

Dear Ms. Frisone:

Our law firm represents Haywood Regional Medical Center (“Haywood”). I am writing to provide notice to the Healthcare Planning and Certificate of Need Section that Haywood is planning to replace its existing nuclear camera, which is located on the hospital’s main campus. Under North Carolina law the purchase of a nuclear camera is not subject to CON review unless it qualifies as “major medical equipment” under the statute. In order to qualify as “major medical equipment” the cost of acquiring the nuclear camera would need to exceed \$750,000.00. Here the total acquisition cost of acquiring the nuclear camera is \$613,000.00 including taxes, the cost of construction and all associated professional fees.

As a result of the above facts, we request that the CON Section confirm in writing that Haywood’s purchase of the nuclear camera is not subject to CON review. 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 black ink that reads 'Rbt A. Leandro'.

Robert A. Leandro

RAL:clr

**From:** [Frisone, Martha](#)  
**To:** [Waller, Martha K](#)  
**Subject:** Fwd: [External] No Review Request.  
**Date:** Friday, June 12, 2020 1:01:49 AM  
**Attachments:** [Letter to Ms. Frisone.pdf](#)

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**From:** Leandro, Robert A. <[robbleandro@parkerpoe.com](mailto:robbleandro@parkerpoe.com)>  
**Sent:** Thursday, June 11, 2020 11:10:53 PM  
**To:** Frisone, Martha <[martha.frisone@dhhs.nc.gov](mailto:martha.frisone@dhhs.nc.gov)>  
**Subject:** [External] No Review Request.

**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](mailto:report.spam@nc.gov)

Martha,

Please see attached a request for a CON No Review. I thought my assistant had sent this to you last week but I do not believe that to be the case (hence the letter being dated last week). Hope you are well.

Robb

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**Robert Leandro**  
Partner

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



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