



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

March 10, 2021

Gregory S. Knudsen
gknudsen@wakehealth.edu

Exempt from Review – Acquisition of Facility

Record #: 3498
Date of Request: March 4, 2021
Facility Name: High Point Endoscopy Center
Type of Facility: ASC
FID #: 924478
Acquisition by: NCBH Outpatient Endoscopy Center, LLC
Business #: 1295
County: Guilford

Dear Mr. Knudsen:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) determined that the project described above is exempt from certificate of need (CON) review in accordance with G.S. 131E-184(a)(8). Therefore, the above referenced business may proceed to acquire the health service facility identified above without first obtaining a CON. The Agency's determination is limited to the question of whether the above referenced business would have to obtain a CON if the current owners of the health service facility do in fact sell it to the business listed above. Note that pursuant to G.S. 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."*

If the business listed above does acquire the facility, you should contact the Agency's Acute and Home Care Licensure and Certification Section to obtain instructions for changing ownership of the existing facility.

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 regarding whether a certificate of need would be required. If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

Celia C. Inman
Project Analyst

Lisa Pittman
Assistant Chief, Certificate of Need

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

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER



LEGAL DEPARTMENT

March 4, 2021

VIA E-MAIL

Ms. Lisa Pittman, Assistant Chief Certificate of Need
Healthcare Planning and Certificate of Need Section
Division of Health Service Regulation
North Carolina Department of Health and Human Services
27014 Mail Service Center
Raleigh, NC 27603
E-mail: lisa.pittman@dhhs.nc.gov

Re: Request for Exemption Pursuant to N.C. Gen. Stat. § 131E-184(a)(8) – Acquisition of Existing Health Services Facilities

Dear Ms. Pittman:

Pursuant to N.C. Gen. Stat. § 131E-184(a)(8), I am writing on behalf of NCBH Outpatient Endoscopy Center, L.L.C. (“Buyer”), an affiliate entity of Wake Forest University Baptist Medical Center, to provide prior written notice of Buyer’s intention to acquire substantially all of the assets of High Point Endoscopy Center, located at 624 Quaker Lane, Suite C-106, High Point, North Carolina (the “Center”), from High Point Endoscopy Center, Inc. (“Seller”) pursuant to an Asset Purchase Agreement dated March 1, 2021. The closing of this acquisition is expected to occur on April 1, 2021, or as soon as possible thereafter.

Seller currently operates the Center at its current location under a lease with HPGI Realty, LLC. Upon the closing of the acquisition, Buyer will commence a Lease Agreement with HPGI Realty, LLC, which will allow Buyer to continue operations of the Center at its current location.

The Center, as an ambulatory surgical facility, meets the statutory definition of a “health service facility” as defined in N.C. Gen. Stat. § 131E-176(1b). N.C. Gen. Stat. § 131E-184(a)(8) provides that, upon receiving prior written notice, the Certificate of Need Section shall exempt from certificate of need review the acquisition of “an existing health service facility, including equipment owned by the health service facility at the time of acquisition.”

The purpose of this letter is therefore to provide the prior written notice of the acquisition of the Center as required under N.C. Gen. Stat. § 131E-184(a)(8), and to respectfully request that the Department issue a letter confirming that the acquisition of the existing health service facility by the Buyer is exempt from certificate of need review pursuant to N.C. Gen. Stat. § 131E-184(a)(8). As noted above, the parties intend to close the acquisition on April 1, 2021, and we would request a response from you prior to that date, if possible.



LEGAL DEPARTMENT

Thank you in advance for your prompt consideration of this request. Please contact me if you have any questions or need any additional information.

With best wishes, I remain,

Sincerely yours,

Gregory S. Knudsen
Assistant General Counsel
Wake Forest Baptist Medical Center