



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

September 3, 2021

Robert Shaw  
rshaw@smithlaw.com

**Exempt from Review – Acquisition of Facility**

**Record #:** 3675  
**Date of Request:** August 31, 2021  
**Facility Name:** Rockford Digestive Health Endoscopy Center LLC  
**Type of Facility:** GI ENDO  
**FID #:** 130325  
**Acquisition by:** Peters Endoscopy Center, LLC  
**Business #:** 3450  
**County:** Surry

Dear Mr. Shaw:

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 and operator 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

Micheala Mitchell  
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

**SMITH, ANDERSON, BLOUNT,  
DORSETT, MITCHELL & JERNIGAN, L.L.P.**

**LAWYERS**

**OFFICES**

Wells Fargo Capitol Center  
150 Fayetteville Street, Suite 2300  
Raleigh, North Carolina 27601

ROBERT W. SHAW  
DIRECT DIAL: (919) 821-6779  
E-Mail: rshaw@smithlaw.com

August 31, 2021

**MAILING ADDRESS**

P.O. Box 2611  
Raleigh, North Carolina  
27602-2611

TELEPHONE: (919) 821-1220  
FACSIMILE: (919) 821-6800

**VIA FEDEX 919.855.3873**

**and EMAIL [Micheala.Mitchell@dhhs.nc.gov](mailto:Micheala.Mitchell@dhhs.nc.gov); [Celia.Inman@dhhs.nc.gov](mailto:Celia.Inman@dhhs.nc.gov); [Gloria.Hale@dhhs.nc.gov](mailto:Gloria.Hale@dhhs.nc.gov)**

North Carolina Department of Health and Human Services  
Division of Health Service Regulation  
2704 Mail Service Center  
Raleigh, North Carolina 27699-2704  
ATT: Micheala L. Mitchell, Chief, Certificate of Need Section

Re: *No Review Request*  
Facility: *Rockford Digestive Health Endoscopy Center, PA*  
County: *Surry*  
License No: *AS0154*  
Facility ID: *130325*

Dear Ms. Mitchell, Ms. Hale, and Ms. Inman:

Our firm represents Peters Endoscopy Center, LLC (“Peters Endoscopy”). This letter is to notify you of a proposed transaction whereby Peters Endoscopy will acquire ownership of an existing endoscopy center in Surry County. Peters Endoscopy hereby requests a letter, pursuant to N.C. Gen. Stat. § 131E-184(a)(8), determining that a change of ownership for an existing endoscopy center is exempt from Certificate of Need (“CON”) review.

A. The Proposed Transaction

Peters Endoscopy, a North Carolina limited liability company, has entered into a proposed transaction (the “Transaction”) with Dr. Glenn Pfizer, owner of Rockford Digestive Health Endoscopy Center, PA, FID: 130325 (“Rockford”), at 951 Rockford St., Mount Airy, NC 27030, to sell Rockford’s endoscopy center, including its CON license, to Peters Endoscopy. Both Peters Endoscopy and Rockford are existing health service facilities within the meaning of the CON law—they are ambulatory surgical facilities. G.S. §§ 131E-176(9b); (1b); 10A NCAC 14C .3901(4). Rockford has represented it is AAAHC accredited. Rockford obtained a CON from the State of North Carolina, License Number: AS0154, issued January 11, 2014.

Peters Endoscopy will become the new owner and operator of the Rockford center, but the location and health services offered will remain the same. The change in ownership will not

North Carolina Department of Health and Human Services  
Division of Health Service Regulation  
ATT: Micheala L. Mitchell, Chief, Certificate of Need Section  
August 31, 2021  
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adversely impact the patient population. Rockford is currently the only outpatient non-hospital based endoscopy center in Surry County, according to 2021 State Medical Facilities Plan. Peters Endoscopy will continue to operate the center in the same way, serving the same patient population in the same service area. 10A NCAC 14C .3901(6).

The Transaction is expected to close on November 1, 2021.

B. Exemption Notice

Under North Carolina law, a CON is required prior to offering or developing a “new institutional health service,” unless the facility or project is exempted. Though the “purchase, lease, or acquisition of any health service facility, or portion thereof, or a controlling interest in the health service facility or portion thereof, if the health service facility was developed under a certificate of need issued pursuant to G.S. 131E-180” is included in the definition of “new institutional health services,” G.S. 131E-176(16)(l), G.S. 131E-184(a)(8) specifically exempts acquisitions of “an existing health service facility, including equipment owned by the health service facility at the time of acquisition” from CON review.

The Transaction will consist of the acquisition of an existing health service facility, including substantially all of the assets owned by the health service facility at the time of acquisition. The Transaction will not result in the construction, development, establishment, increase in number, or relocation of a gastrointestinal endoscopy room. G.S. 131E-176(16)(u). The Transaction does not include the purchase of any additional equipment. G.S. 131E-176(14o), (16)(f1). The Transaction also will not include the offering of any additional health services. G.S. 131E-176(16)(f). We therefore believe that the Transaction is statutorily exempted from CON review.

Accordingly, we are notifying you of the Transaction, and we respectfully request a letter from the CON Section stating that the Transaction is exempt from CON review in accordance with G.S. § 131E-184(a)(8). Please let me know if there are any questions regarding this notice, or if you need any additional information.

Sincerely,



Robert Shaw

# State of North Carolina

## Department of Health and Human Services Division of Health Service Regulation

*Effective January 01, 2021, license is issued to  
Rockford Digestive Health Endoscopy Center, PA*

*to operate an ambulatory surgical clinic known as  
Rockford Digestive Health Endoscopy Center LLC*

*located at 951 Rockford Street  
Mount Airy, Surry County, North Carolina.*

*This license is issued subject to the statutes of the  
State of North Carolina, is not transferable and shall expire  
midnight December 31, 2021.*

*Facility ID: 130325*

*License Number: AS0154*

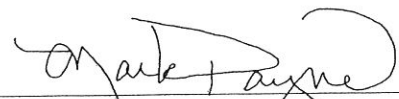
Surgical Operating Rooms: 0

Endoscopy Rooms: 1

Authorized by:



Secretary, N.C. Department of Health and  
Human Services



Director, Division of Health Service Regulation

**From:** [Inman, Celia C](#)  
**To:** [Waller, Martha K](#)  
**Cc:** [Hale, Gloria](#)  
**Subject:** FW: [External] No Con Review Request  
**Date:** Tuesday, August 31, 2021 10:33:07 AM  
**Attachments:** [No CON Review Request to NCDHHS.pdf](#)

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MW,

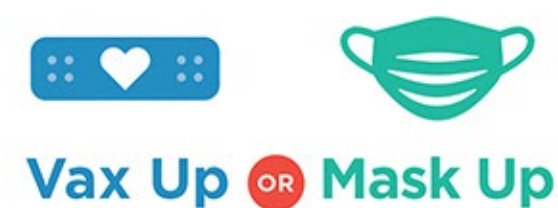
Please log this exemption request and place request in my Admin. Determination folder.

Thanks,

**Celia C. Inman**

Project Analyst, Certificate of Need

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



**Find a vaccine location, get questions answered and more at**  
[YourSpotYourShot.nc.gov](https://YourSpotYourShot.nc.gov).

Office: 919-855-3873 *(Due to the pandemic, I am primarily working from home, so e-mail works best to reach me at this time.)*

[Celia.Inman@dhhs.nc.gov](mailto:Celia.Inman@dhhs.nc.gov)

809 Ruggles Drive, Edgerton  
2704 Mail Service Center  
Raleigh, NC 27603

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**From:** Celeste Kelliher <ckelliher@smithlaw.com>  
**Sent:** Tuesday, August 31, 2021 10:06 AM  
**To:** michaela.mitchell@dhhs.nc.gov; Inman, Celia C <celia.inman@dhhs.nc.gov>; Hale, Gloria <gloria.hale@dhhs.nc.gov>  
**Cc:** Robert W. Shaw <rshaw@smithlaw.com>; Grace A. Gregson <gggregson@smithlaw.com>  
**Subject:** [External] No Con 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](#).

**I AM SENDING THIS EMAIL ON BEHALF OF ROBERT SHAW**

Re: **No Review Request**  
Facility: **Rockford Digestive Health Endoscopy Center, PA**  
County: **Surry**

Good morning Ms. Mitchell, Ms. Inman and Ms. Hale,

Attached please find correspondence that we are sending on behalf of our client, Peters Endoscopy Center, LLC, with regards to the above referenced matter.

If you have any questions or concerns, please do not hesitate to contact Robert Shaw directly.

Thank you.

**CELESTE A. KELLIHER, NCCP | ADMINISTRATIVE ASSISTANT**

[ckelliher@smithlaw.com](mailto:ckelliher@smithlaw.com)

919.838.2004 | [smithlaw.com](http://smithlaw.com) | [map](#)



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