



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

ROY COOPER • Governor

KODY H. KINSLEY • Secretary

MARK PAYNE • Director, Division of Health Service Regulation

VIA EMAIL ONLY

April 13, 2023

Robert A. Leandro

robleandro@parkerpoe.com

No Review

Record #: 4174
Date of Request: March 21, 2023
Facility Name: Harris Regional Hospital
FID #: 923046
Business Name: DLP Harris Regional Hospital, LLC
Business #: 867
Project Description: Acquire a CT scanner
County: Jackson

Dear Mr. Leandro:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) received your correspondence regarding the project described above. Based on the CON law **in effect on the date of this response to your request**, the project as described 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.

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

Micheala Mitchell
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
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

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

March 21, 2023

Via E-mail [micheala.mitchell@dhhs.nc.gov]

Michaela Mitchell
Chief, Healthcare Planning and Certificate of Need
Section

Re: No Review Request for Purchase New CT Scanner at Harris Regional

Dear Ms. Mitchell:

Our firm represents DLP Harris Regional Hospital, LLC (“Harris”). Harris intends to purchase a new CT scanner and is seeking confirmation from the Healthcare Plan and Certificate of Need Section (the “Agency”) that a certificate of need (“CON”) is not required for this acquisition.

Currently Harris operates one CT scanner. This scanner is operating at maximum capacity. The new unit is anticipated to be more efficient with less downtime for service. Harris, however, plans to continue to operate both the old unit and the new CT scanner once the acquisition is made.

As you are aware, CT scanners are not directly regulated by CON law but a CON is required if the acquisition of a CT scanner meets the threshold for major medical equipment as defined by N.C. Gen. Stat. §131E-176(14o). Here, however, the total costs of the new CT scanner including the cost of the new machine, installation, and other expenses associated with the acquisition will be less than \$1 million. Therefore, we believe that under North Carolina’s CON statute the purchase of this new CT scanner is not subject to CON review. Further, because this acquisition is not subject to CON law Harris should be able to operate both its existing and the new CT scanners at the hospital.

Please provide written confirmation that based on the above facts the proposed project is exempt from CON review and that Harris may acquire a new CT scanner and continue to operate its existing CT scanner without a CON. Thank you for your consideration and we look forward to your response.

Sincerely,

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

Robert A. Leandro

From: [Mitchell, Micheala L](#)
To: [Stancil, Tiffany C](#)
Subject: FW: [External] No Review Request
Date: Tuesday, March 21, 2023 10:48:16 AM
Attachments: [Signed - Harris CON No Review Letter CT Scanner.pdf](#)
Importance: High

Tiffany,

Would you mind logging this as a no review and assigning to Ena?

Thanks,

Micheala Mitchell, JD
[NC Department of Health and Human Services](#)
[Division of Health Service Regulation](#)
Section Chief, Healthcare Planning and CON Section
809 Ruggles Drive, Edgerton Building
2704 Mail Service Center
Raleigh, NC 27699-2704
Office: 919 855 3879
Micheala.Mitchell@dhhs.nc.gov

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From: Greene, Jimesha E. <jimeshagreene@parkerpoe.com> **On Behalf Of** Leandro, Robert A.
Sent: Tuesday, March 21, 2023 10:37 AM
To: Mitchell, Micheala L <Micheala.Mitchell@dhhs.nc.gov>
Cc: Stern, Deborah S. <deborahstern@parkerpoe.com>; Leandro, Robert A. <robb Leandro@parkerpoe.com>
Subject: [External] No Review Request
Importance: High

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Good Morning Micheala,

I hope this email finds you well. Please see attached a No Review Request for Purchase New CT Scanner at Harris Regional. If you have any questions, please let Robb Leandro know.

Have a great day!

Respectfully,

Jimesha Kent Greene

Jimesha Kent Greene
Legal Professional Assistant



PNC Plaza | 301 Fayetteville Street | Suite 1400 | Raleigh, NC 27601
Office: 919.835.4688 | Fax: 919.834.4564 | [map](#)

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www.parkerpoe.com