



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

February 13, 2023

Robert A. Leandro  
robbleandro@parkerpoe.com

**No Review**

**Record #:** 4131  
**Date of Request:** February 7, 2023  
**Facility Name:** Novant Health Rowan Endoscopy Center  
**FID #:** 210958  
**Business Name:** Novant Health Rowan Endoscopy Center, LLC  
**Business #:** 3489  
**Project Description:** Acquisition of a minority interest in Novant Health Rowan Endoscopy Center, LLC by NEDH Salisbury Endoscopy Investors, LLC  
**County:** Rowan

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 call if you have any questions.

Sincerely,

Project Analyst

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

Mr. Leandro  
February 13, 2023  
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*Micheala Mitchell*

Micheala Mitchell  
Chief

CC: Acute and Home Care Licensure and Certification Section, DHR



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Atlanta, GA  
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Greenville, SC  
Raleigh, NC  
Spartanburg, SC  
Washington, DC

February 7, 2023

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

Michaela Mitchell  
Chief, Healthcare Planning and Certificate of  
Need Section

**Re: Notice of compliance with CON conditions and of exemption from Certificate of Need Review for membership interest in endoscopy center.**

Dear Ms. Mitchell:

Applicants Novant Health Rowan Endoscopy Center, LLC ("Novant Rowan Endoscopy") and Novant Health Inc. ("Novant"), through their counsel Denise Gunter of Nelson Mullins and NEDH Salisbury Endoscopy Investors, LLC (NEDH), through its counsel Robb Leandro of Parker Poe request a No Review Decision regarding NEDH's acquisition of a minority interest in Novant Health Rowan Endoscopy Center, LLC.

By way of background, on February 28, 2022, the Healthcare Planning and Certificate of Need Section (the "CON Section") conditionally approved Novant Rowan Endoscopy's and Novant's Certificate of Need ("CON") application to develop a new freestanding GI endoscopy facility by acquiring and relocating two licensed GI endoscopy rooms from Novant Health Rowan Medical Center (Project ID # F-12157-21). Currently this project remains under development and the facility is not yet licensed.

NEDH is in the process of acquiring a minority membership interest in Novant Rowan Endoscopy. At present, the only other entity that has a membership interest in Novant Health Rowan Endoscopy Center, LLC is majority owner Novant Health Rowan Medical Center, LLC ("NHRMC"). This transaction will not result in the transfer of ownership or control of the facility, project, or CON. See N.C. Gen. Stat. § 131E-189(c). Accordingly, we do not believe this transaction is subject to CON review and that it conforms with the conditions placed on the CON and North Carolina law.

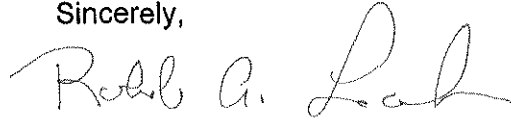
Please provide written confirmation that NEDH's acquisition of a minority membership in Novant Rowan Endoscopy: 1) does not violate any condition of the above-referenced CON approval and 2) does not require review by the CON Section.

PPAB 8546085v1

Michaela Mitchell  
February 7, 2023  
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Thank you for your consideration. If you have any questions please feel free to reach out to us directly.

Sincerely,

A handwritten signature in cursive script that reads "Robb A. Leandro".

Robb A. Leandro  
Parker Poe Adams & Bernstein

A handwritten signature in cursive script that reads "Denise Gunter".

Denise Gunter,  
Nelson Mullins

**From:** [Mitchell, Micheala L](#)  
**To:** [Stancil, Tiffany C](#)  
**Subject:** FW: [External] No Review Letter  
**Date:** Thursday, February 9, 2023 9:40:46 AM  
**Attachments:** [Revised Novant CON No Review Letter 1.2023 - Signed.pdf](#)

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Hey there!

Hope you're on the mend!

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

Thanks,

**Micheala Mitchell, JD**  
(*she/her/hers*)  
Section Chief, Healthcare Planning and CON Section  
[NC Department of Health and Human Services](#)  
[Division of Health Service Regulation](#)  
809 Ruggles Drive, Edgerton Building  
2704 Mail Service Center  
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[Micheala.Mitchell@dhhs.nc.gov](mailto:Micheala.Mitchell@dhhs.nc.gov)

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**From:** Leandro, Robert A. <[robbleandro@parkerpoe.com](mailto:robbleandro@parkerpoe.com)>  
**Sent:** Tuesday, February 7, 2023 6:16 PM  
**To:** Mitchell, Micheala L <[Micheala.Mitchell@dhhs.nc.gov](mailto:Micheala.Mitchell@dhhs.nc.gov)>; Denise Gunter <[denise.gunter@nelsonmullins.com](mailto:denise.gunter@nelsonmullins.com)>  
**Subject:** [External] 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](#).

Micheala,

I hope you are doing well. Please find attached a No Review Request sent on behalf of my client NEDH Salisbury Endoscopy Investors, LLC and Denise's client Novant Rowan Endoscopy and Novant Health. If you have any questions please feel free to reach out to Denise or me.

Robb

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**Robert Leandro**

Partner

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



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