



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

March 24, 2023

Kevin Nusz, MD  
[Nusz.kevin@gmail.com](mailto:Nusz.kevin@gmail.com)

**No Review**

**Record #:** 4166  
**Date of Request:** February 15, 2023  
**Facility Name:** Wake Triangle Eye Constituents  
**FID #:** NA  
**Business Name:** Envision Partners  
**Business #:** 3685  
**Project Description:** Procedure rooms in a physician office building  
**County:** Wake

Dear Dr. Nusz:

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,

Cynthia Bradford  
Project Analyst

Micheala Mitchell  
Chief

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

February 15, 2023

Dear Ms. Conley,

I've read through the North Carolina Statutes regarding Ambulatory Surgery Facility Licensure and we're looking to confirm our belief that our practice's Raleigh location wouldn't be required to go through the CON process and obtain this license based upon the information outlined below. If our belief is instead incorrect, could you please provide assistance in how we'd move forward?

We are a group of licensed ophthalmologists in a professional association. All physicians have had active medical licensure from the NC Medical Board and are in good standing. (I have had mine since May 21, 2007.)

We have had our Envision Partners location in Rocky Mount, for some time; however, we now have our Triangle Eye Constituents location in Raleigh. At the Raleigh location:


- We see patients for the diagnosis and treatment of eye disease not limited primarily to the performance of surgery.
- We have a typical physician medical office with clinical exam rooms, etc., and a section in the building for procedures as well. Our intention is for only physicians in our practice to perform procedures in our space; we do not seek licensure to change this.
- Procedures are infrequently performed and this would remain unchanged with licensure with incidental procedures occurring approximately one morning a month.
- We have no ORs.
- We have no recovery room because there is no period of post-operative observation.
- We only perform incidental Level I procedures with topical and local anesthesia typically without needle injections and always without intravenous injections. (No moderate sedation or general anesthesia is used.)
- The most complex surgeries we perform are eyelid procedures such as lesion removal or rarely, blepharoplasty.

We are not seeking licensure to perform surgeries beyond Level I. We are not seeking to perform a higher level of care, to expand our services, to add physicians outside our practice, or to increase our procedural space beyond what I've described (only Level I procedures in 2 procedure rooms- 1 procedure room and 1 laser room). We are not seeking certification as a Medicare or Medicaid Ambulatory Surgery Center.

Please provide us clarification if Triangle Eye Constituents may be exempt from licensure as an Ambulatory Surgery Center or if it is deemed necessary, please help us move forward with our application.

Thank you for your attention and please let me know if you have any questions.

Sincerely,



Kevin Nusz, MD

NC Physician Medical License 2007-00829

Cell (803) 517-1060

Office (980) 272-1620

**From:** [Mitchell, Micheala L](#)  
**To:** [Stancil, Tiffany C](#)  
**Subject:** Fwd: [External] Envision Partners - Raleigh location  
**Date:** Wednesday, March 8, 2023 5:23:54 PM

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Tiffany,

This fell off my radar. Would you mind logging this and assigning it to Cindy? She will be able to turn it around quickly.

Thank you,

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](mailto:Micheala.Mitchell@dhhs.nc.gov)

Don't wait to vaccinate. Find a COVID-19 vaccine location near you at [MySpot.nc.gov](https://MySpot.nc.gov).  
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**From:** Conley, Azzie <[azzie.conley@dhhs.nc.gov](mailto:azzie.conley@dhhs.nc.gov)>  
**Sent:** Thursday, February 16, 2023 7:42 AM  
**To:** Mitchell, Micheala L <[Micheala.Mitchell@dhhs.nc.gov](mailto:Micheala.Mitchell@dhhs.nc.gov)>; Pittman, Lisa <[lisa.pittman@dhhs.nc.gov](mailto:lisa.pittman@dhhs.nc.gov)>  
**Subject:** Fwd: [External] Envision Partners - Raleigh location

Good morning,

Will you please review?

Thank you,  
Azzie

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**From:** Kevin Nusz <[nusz.kevin@gmail.com](mailto:nusz.kevin@gmail.com)>  
**Sent:** Wednesday, February 15, 2023 9:50 AM  
**To:** Conley, Azzie <[azzie.conley@dhhs.nc.gov](mailto:azzie.conley@dhhs.nc.gov)>  
**Subject:** [External] Envision Partners - Raleigh location

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Good morning Ms. Conley!

One of my staff spoke with you a week or so ago, and you indicated that we should send this request via email...

We are attempting to clarify whether our facility needs to go through the CON process and NC DHHS licensure as an ASC, or whether Triangle Eye Constituents would be exempt. (And if licensure is deemed necessary, we are seeking guidance on how to move forward with these processes!)

Please reference the attached letter with additional information.

Thank you in advance for your help, and please feel free to contact me with any questions!

Best regards,  
Kevin Nusz, MD  
[\(803\) 517-1060](tel:(803)517-1060) - Cell  
[\(980\) 272-1620](tel:(980)272-1620) - Office

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