

October 1, 2019

Ms. Gloria Hale, Team Leader
Mr. Celia C. Inman, Project Analyst
Healthcare Planning and Certificate of Need Section
Division of Health Service Regulation, NC DHHS
2704 Mail Service Center
Raleigh, NC 27699-2704

Re: Request for Public Hearing for CON Project ID #G-11745-19/Peters Endoscopy Center/Relocate existing ASF with 2 GI endo rooms from 507 Lindsay St to 1850 Skeet Club Rd/FID #061166/Guilford County

Dear Ms. Hale and Ms. Inman,

I am writing to request that a public hearing be held for CON Project ID #G-11745-19. The project was proposed by Bethany Medical Center, P.A. and would relocate an existing GI endoscopy ASF from its current location at 507 Lindsay Street in High Point, NC to a new location at 1850 Skeet Club Road in High Point, NC. The application was filed on August 12, 2019 for the review cycle beginning September 1, 2019.

Pursuant to NCGS § 131E-185(a1)(2), public hearings are only held under certain circumstances. The statute states:

No more than 20 days from the conclusion of the written comment period, the Department shall ensure that a public hearing is conducted at a place within the appropriate service area if one or more of the following circumstances apply; the review to be conducted is competitive; the proponent proposes to spend five million dollars (\$5,000,000) or more; a written request for a public hearing is received before the end of the written comment period from an affected party as defined in G.S. 131E-188(c); or the agency determines that a hearing is in the public interest. At such public hearing oral arguments may be made regarding the application or applications under review; and this public hearing shall include the following:

- a. An opportunity for the proponent of each application under review to respond to the written comments submitted to the Department about its application;*
- b. An opportunity for any person, except one of the proponents, to comment on the applications under review;*
- c. An opportunity for a representative of the Department, or such other person or persons who are designated by the Department to conduct the hearing, to question each proponent of applications under review with regard to the contents of the application;*

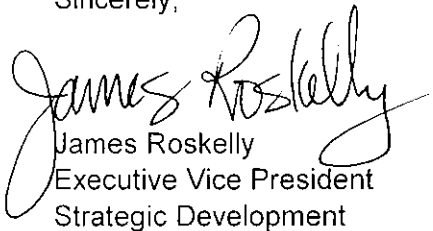
The Department shall maintain a recording of any required public hearing on an application until such time as the Department's final decision is issued, or until a final agency decision is issued pursuant to a contested case hearing, whichever is later; and any person may submit a written synopsis or verbatim statement that contains the oral presentation made at the hearing.

During its initial review of the application, the Department has determined that the proposed project is not competitive, the applicant did not propose to spend more than \$5,000,000, and the Department has not otherwise indicated that a public hearing is in the public interest. The only other criterion to hold a public hearing is at the written request of an affected party received before the end of the written comment period.

Cone Health fits the definition of affected person as defined in NCGS § 131E-188(c) as "any person who provides services, similar to the services under review, to individuals residing within the service area or geographic area proposed to be served by the applicant." Cone Health provides endoscopy services in licensed GI endoscopy rooms in both the hospital and ASF setting in Guilford County. The licensed hospital Cone Health (Lic# H0159) has GI endoscopy rooms at both Moses Cone Hospital and Wesley Long Hospital. The separately licensed LeBauer Endoscopy Center also contains GI endoscopy rooms. Cone Health provides GI endoscopy services to patients residing in Guilford County from all three of these locations amongst others. Please see *Attachment 1* for copies of the GI endoscopy patient origin tables from the 2019 License Renewal Applications for Cone Health and LeBauer Endoscopy Center. Based on these data, Cone Health meets the definition of an affected party as required by NCGS § 131E-185(a1)(2).

Based on the foregoing information, Cone Health requests a public hearing be held via this written notice from an affected party for CON Project ID #G-11745-19 pursuant to NCGS § 131E-185(a1)(2). If you have any questions about this request, please contact me at (336) 832-8199.

Sincerely,


James Roskelly
Executive Vice President
Strategic Development

Attachment 1

All responses should pertain to **October 1, 2017 through September 30, 2018**.

Patient Origin – Gastrointestinal Endoscopy (GI) Cases

In an effort to document patterns of utilization of Gastrointestinal Endoscopy Services in North Carolina hospitals, please provide the county of residence for each GI Endoscopy patient served in your facility. Count each patient once regardless of the number of procedures performed while the patient was receiving GI Endoscopy Services. However, each admission for GI Endoscopy services should be reported separately. Submit one record for the licensed hospital. **DO NOT SUBMIT SEPARATE RECORDS FOR EACH CAMPUS.**

The Total from this chart should match the total GI Endoscopy cases reported on the “Gastrointestinal Endoscopy Rooms, Procedures, and Cases” table on page 11.

County	No. of Patients	County	No. of Patients	County	No. of Patients
1. Alamance	144	37. Gates	0	73. Person	3
2. Alexander	0	38. Graham	0	74. Pitt	1
3. Alleghany	2	39. Granville	0	75. Polk	0
4. Anson	0	40. Greene	0	76. Randolph	336
5. Ashe	0	41. Guilford	3,679	77. Richmond	0
6. Avery	0	42. Halifax	0	78. Robeson	0
7. Beaufort	0	43. Harnett	0	79. Rockingham	447
8. Bertie	0	44. Haywood	0	80. Rowan	0
9. Bladen	0	45. Henderson	0	81. Rutherford	1
10. Brunswick	0	46. Hertford	0	82. Sampson	1
11. Buncombe	0	47. Hoke	0	83. Scotland	0
12. Burke	0	48. Hyde	0	84. Stanly	0
13. Cabarrus	0	49. Iredell	0	85. Stokes	12
14. Caldwell	0	50. Jackson	0	86. Surry	1
15. Camden	0	51. Johnston	0	87. Swain	0
16. Carteret	1	52. Jones	0	88. Transylvania	0
17. Caswell	27	53. Lee	1	89. Tyrrell	0
18. Catawba	1	54. Lenoir	0	90. Union	0
19. Chatham	19	55. Lincoln	0	91. Vance	1
20. Cherokee	0	56. Macon	0	92. Wake	9
21. Chowan	1	57. Madison	0	93. Warren	0
22. Clay	0	58. Martin	0	94. Washington	0
23. Cleveland	1	59. McDowell	0	95. Watauga	0
24. Columbus	0	60. Mecklenburg	2	96. Wayne	0
25. Craven	0	61. Mitchell	0	97. Wilkes	1
26. Cumberland	1	62. Montgomery	2	98. Wilson	0
27. Currituck	0	63. Moore	2	99. Yadkin	1
28. Dare	0	64. Nash	0	100. Yancey	0
29. Davidson	35	65. New Hanover	0		
30. Davie	0	66. Northampton	0	101. Georgia	0
31. Duplin	0	67. Onslow	1	102. South Carolina	2
32. Durham	0	68. Orange	1	103. Tennessee	1
33. Edgecombe	1	69. Pamlico	0	104. Virginia	77
34. Forsyth	68	70. Pasquotank	0	105. Other States	73
35. Franklin	0	71. Pender	2	106. Other	4
36. Gaston	1	72. Perquimans	0	Total No. of Patients	4,963

All responses should pertain to October 1, 2017 *thru* September 30, 2018.

Patient Origin –Gastrointestinal (GI) Endoscopy Services

In an effort to document patterns of utilization of gastrointestinal endoscopy services in North Carolina’s licensed freestanding ambulatory surgical facilities, you are asked to provide the county of residence for each patient who had a **Gastrointestinal Endoscopy** in your facility during the reporting period.

Total number of patients must match GI Endoscopy Cases from the “Gastrointestinal Endoscopy Rooms, Procedures, and Cases” table on page 7.

County	No. of Patients	County	No. of Patients	County	No. of Patients
1. Alamance	276	37. Gates		73. Person	1
2. Alexander		38. Graham		74. Pitt	1
3. Alleghany	2	39. Granville		75. Polk	
4. Anson		40. Greene	2	76. Randolph	286
5. Ashe		41. Guilford	5875	77. Richmond	
6. Avery		42. Halifax	1	78. Robeson	
7. Beaufort	1	43. Harnett		79. Rockingham	492
8. Bertie		44. Haywood		80. Rowan	
9. Bladen		45. Henderson		81. Rutherford	
10. Brunswick	2	46. Hertford		82. Sampson	
11. Buncombe		47. Hoke		83. Scotland	
12. Burke		48. Hyde		84. Stanly	5
13. Cabarrus		49. Iredell	1	85. Stokes	57
14. Caldwell	1	50. Jackson		86. Surry	3
15. Camden		51. Johnston	2	87. Swain	
16. Carteret		52. Jones		88. Transylvania	1
17. Caswell	19	53. Lee		89. Tyrrell	
18. Catawba		54. Lenoir	1	90. Union	
19. Chatham	22	55. Lincoln		91. Vance	
20. Cherokee		56. Macon		92. Wake	4
21. Chowan		57. Madison		93. Warren	
22. Clay		58. Martin		94. Washington	
23. Cleveland		59. McDowell		95. Watauga	6
24. Columbus	1	60. Mecklenburg	3	96. Wayne	
25. Craven		61. Mitchell		97. Wilkes	
26. Cumberland		62. Montgomery	3	98. Wilson	
27. Currituck		63. Moore	2	99. Yadkin	1
28. Dare		64. Nash		100. Yancey	
29. Davidson	38	65. New Hanover	3		
30. Davie	1	66. Northampton		101. Georgia	2
31. Duplin		67. Onslow		102. South Carolina	7
32. Durham	3	68. Orange	2	103. Tennessee	0
33. Edgecombe		69. Pamlico	1	104. Virginia	227
34. Forsyth	169	70. Pasquotank		105. Other States	13
35. Franklin	2	71. Pender		106. Other/Unknown	22
36. Gaston	3	72. Perquimans		Total No. of Patients	7564