



North Carolina Department of Health and Human Services  
Division of Health Service Regulation

Pat McCrory  
Governor

Richard O. Brajer  
Secretary DHHS

Drexdal Pratt  
Division Director

September 16, 2015

Sean A. Timmons  
421 Fayetteville Street, Suite 1100  
Raleigh, NC 27601-3000

**Exempt from Review – Acquisition of Facility**

**Record #:** 1725  
**Facility Name:** Fayetteville Gastroenterology Associates, P.A.  
**Type of Facility:** Ambulatory Surgery Facility  
**FID #:** 060468  
**Acquisition by:** Fayetteville Gastroenterology Endoscopy Center, LLC  
**Business #:** 721  
**County:** Cumberland

Dear Mr. Timmons:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) determined that based on your letter of September 1, 2015, the above referenced proposal is exempt from certificate of need review in accordance with G.S 131E-184(a)(8). Therefore, Fayetteville Gastroenterology Endoscopy Center, LLC may proceed to acquire the above referenced health service facility without first obtaining a certificate of need. However, you need to contact the Agency's Acute and Home Care Licensure & Certification Section to obtain instructions for changing ownership of the existing facility. 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."*

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. If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

Tanya S. Rupp  
Project Analyst

Martha J. Frisone,  
Assistant Chief, Certificate of Need

cc: Construction Section, DHSR  
Acute and Home Care Licensure and Certification Section, DHSR  
Assistant Chief, Healthcare Planning



**Healthcare Planning and Certificate of Need Section**

www.ncdhhs.gov

Telephone: 919-855-3873 • Fax: 919-715-4413

Location: Edgerton Building • 809 Ruggles Drive • Raleigh, NC 27603

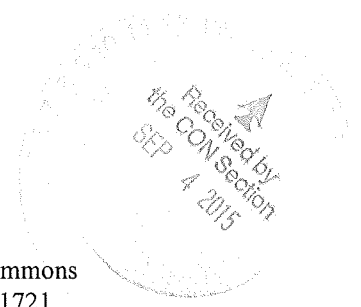
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September 1, 2015

Sean A. Timmons  
(919) 832-1721  
(919) 747-4231 Direct Fax  
stimmons@polsinelli.com

Via United States Mail

Ms. Martha Frisone, Assistant Chief, Certificate of Need  
Healthcare Planning and Certificate of Need Section / DHSR / DHHS  
2704 Mail Service Center  
Raleigh, NC 27699-2704

**Re: Notice of Exempt Acquisition of Existing Health Service Facility**

<b>Facility:</b>	<b>Fayetteville Gastroenterology Associates, P.A.</b>	<i>Bus. id 721</i>
<b>Type of Facility:</b>	<b>Ambulatory Surgical Facility</b>	<i>NR id 1725</i>
<b>Facility Address:</b>	<b>2041 Valleygate Drive, Fayetteville, NC 28304</b>	<i>FID 060468</i>
<b>Facility License#:</b>	<b>AS0071</b>	
<b>Facility ID#:</b>		
<b>Acquisition by:</b>	<b>Fayetteville Gastroenterology Endoscopy Center, LLC</b>	
<b>County:</b>	<b>Cumberland</b>	

Dear Ms. Frisone:

We write on behalf of our client, Fayetteville Gastroenterology Associates, P.A. (“FGA”) to provide the Healthcare Planning and Certificate of Need Section and your department with advance notice of the acquisition of the above-referenced health service facility (the “Facility”) by Fayetteville Gastroenterology Endoscopy Center, LLC (“Buyer”), and to request written confirmation that the proposed acquisition is exempt from certificate of need (“CON”) review.

N.C. Gen. Stat. § 131E-184(a)(8) provides that the acquisition of “an existing health service facility, including equipment owned by the health service facility at the time of the acquisition,” is exempt from review. The CON law further defines “health service facility” to include an “ambulatory surgical facility.” N.C. Gen. Stat. § 131E-176(9b). Therefore, the acquisition of the Facility, including the Facility’s equipment, is exempt from review.

The parties currently plan to close this transaction on January 1, 2016. We respectfully request written confirmation of the availability of the exemption for this transaction at your earliest convenience.

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Polsinelli LLP in California



Ms. Martha Frisone, Assistant Chief  
September 1, 2015  
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Please feel free to contact me if you have any questions. Thank you for your attention to this matter.

Very truly yours,

  
Sean A. Timmons

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