



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

Pat McCrory
Governor

Richard O. Brajer
Secretary DHHS

Mark Payne
Assistant Secretary for Audit and
Health Service Regulation

February 11, 2016

Sean A. Timmons
PoynerSpruill, LLP
421 Fayetteville Street, Suite 1100
Raleigh, NC 27601

Exempt from Review – Replacement Equipment

Record #: 1868
Facility Name: DLP Cardiac Partners
Business Name: DLP Cardiac Partners
Business #: 2314
Project Description: Replace temporary cardiac catheterization lab with mobile cardiac catheterization lab


Dear Mr. Timmons:


The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency), determined that based on your letter of February 8, 2016, the above referenced proposal is exempt from certificate of need review in accordance with G.S 131E-184(a)(7). Therefore, you may proceed to return to service, without a certificate of need, the GE Innova 2000 mobile cardiac catheterization unit. This determination is based on your representations that the unit will be removed from North Carolina and will not be used again in the State without first obtaining a certificate of need.

Moreover, you need to contact the Agency's Acute and Home Care Licensure and Certification Section to determine if they have any requirements for development of the proposed project.

It should be noted that the 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 office and a separate determination. If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,


Bernetta Thorne-Williams
Project Analyst


Martha J. Frisone, Assistant Chief
Certificate of Need

cc: Acute and Home Care Licensure and Certification Section, DHSR
Kelli Fisk, Program Assistant, Healthcare Planning, DHSR



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

Mailing Address: 2704 Mail Service Center • Raleigh, NC 27699-2704

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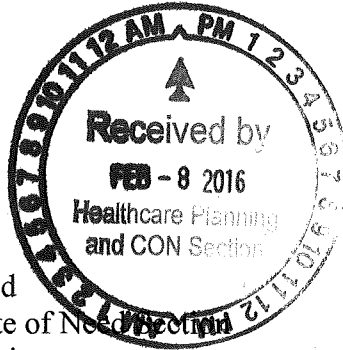


421 Fayetteville Street, Suite 1100, Raleigh, NC 27601-3000 • 919.832.1744

February 8, 2016

Via Hand Delivery

Martha J. Frisone
 Assistant Chief, Certificate of Need
 Healthcare Planning and Certificate of Need Section
 Division of Health Service Regulation
 809 Ruggles Drive
 Raleigh, NC 27603



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

Re: Exemption from Review Notification for Return to Service of Mobile Cardiac Catheterization Lab and Termination of Temporary Replacement

Dear Ms. Frisone:

We write on behalf of our client, DLP Cardiac Partners (“DLPCP”), to inform the Healthcare Planning and Certificate of Need Section (the “CON Section”) that DLPCP plans to return its existing mobile cardiac catheterization lab (GE Innova 2000 Serial Number 402411BU3) (the “Original Lab”) to service, and to remove the temporary replacement mobile cardiac catheterization lab (GE Innova 2100 Serial Number 576216BU6) (the “Temporary Lab”) from service, effective February 12, 2016.

By letter dated October 27, 2015 (copy enclosed for reference), the CON Section confirmed the availability of an exemption from CON review for the replacement of the Original Lab with the Temporary Lab after the Original Lab had been damaged by fire, and while DLPCP evaluated the damage to the Original Lab. This temporary replacement allowed DLPCP to continue providing service to its customers and their patients while the damage was being evaluated.

DLPCP has completed all necessary repairs to the Original Lab, and is now prepared to return the Original Lab to service, effective February 12, 2016. At the same time, the Temporary Lab will be removed from service in North Carolina.

The Original Lab still consists of the same equipment as before it was temporarily taken out of service, and will continue to provide the same services. There will be no change in patient

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Martha J. Frisone, Assistant Chief
Healthcare Planning and Certificate of Need Section
February 8, 2016
Page 2

charges or operating expenses as a result of the return of the Original Lab to service in North Carolina.

DLPCP is part of DLP Healthcare, LLC, a joint venture between Duke University Health System and LifePoint Hospitals. DLPCP owns and operates a program of mobile cardiac catheterization labs across North Carolina, including the Original Lab, which were originally acquired prior to the time the certificate of need law was amended to govern cardiac catheterization equipment and which were effectively grandfathered under a 1995 Settlement Agreement between MedCath (DLPCP's predecessor-in-interest) and the CON Section.

In addition to the grandfathered status of the Original Lab, the provision of replacement equipment is exempt from Certificate of Need review under N.C. Gen. Stat. § 131E-184(a)(7).

Based on this information, we respectfully request that the CON Section confirm that the return of the Original Lab to service in North Carolina is exempt from Certificate of Need review.

Thank you for your attention to this matter. Please feel free to contact me should you have any questions or need any additional information.

We would appreciate it if you would file-stamp the copy of this letter and return it to our courier, who has been instructed to wait.

Sincerely,


Sean A. Timmons

Enclosure



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

October 27, 2015

Pamela A. Scott, Partner
PoynerSpruill, LLP
301 Fayetteville St, Suite 1900
Raleigh NC 27601

Exempt from Review – Replacement Equipment

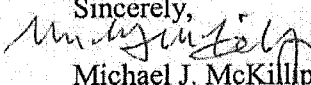
Record #: 1781
Facility Name: DLP Cardiac Partners
Business Name: DLP Cardiac Partners
Business #: 2314
Project Description: Replace mobile cardiac catheterization unit

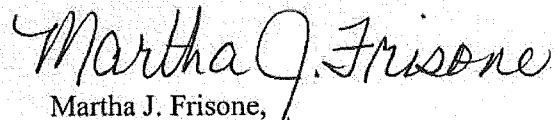
Dear Ms. Scott:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency), determined that based on your letter of October 15, 2015, the above referenced proposal is exempt from certificate of need review in accordance with G.S 131E-184(a)(7). Therefore, you may proceed to acquire, without a certificate of need, GE Innova 2000 mobile cardiac catheterization unit. This determination is based on your representations that the unit will be removed from North Carolina and will not be used again in the State without first obtaining a certificate of need.

Moreover, you need to contact the Agency's Acute and Home Care Licensure and Certification Section to determine if they have any requirements for development of the proposed project.

It should be noted that the 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 office and a separate determination. If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

Michael J. McKillip
Project Analyst


Martha J. Frisone,
Assistant Chief, Certificate of Need

cc: Kelli Fisk, Program Assistant, Healthcare Planning
Acute and Home Care Licensure and Certification Section, DHSR

Healthcare Planning and Certificate of Need Section

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