



NC DEPARTMENT OF HEALTH AND HUMAN SERVICES

ROY COOPER • Governor
MANDY COHEN, MD, MPH • Secretary
MARK PAYNE • Director, Division of Health Service Regulation

VIA EMAIL ONLY

December 9, 2020

Joy Heath
jheath@williamsmullen.com

Exempt from Review – Acquisition of Facility

Record #: 3442
Date of Request: December 3, 2020
Facility Name: Solis Mammography Greensboro
Type of Facility: Diagnostic Center
FID #: 160013
Acquisition by: Solis Mammography of Greensboro, LLC
Business #: 3323
County: Guilford

Dear Ms. Heath:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) determined that the project described above is exempt from certificate of need (CON) review in accordance with G.S. 131E-184(a)(8). Therefore, the above referenced business may proceed to acquire the health service facility identified above without first obtaining a CON. The Agency’s determination is limited to the question of whether the above referenced business would have to obtain a CON if the current owners of the health service facility do in fact sell it to the business listed above. 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.”

If the business listed above does acquire the facility, you should contact the Agency’s Acute and Home Care Licensure and Certification Section to obtain instructions for changing ownership of the existing facility.

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 regarding whether a certificate of need would be required. If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

Celia C. Inman
Celia C. Inman
Project Analyst

Martha J. Frisone
for
Lisa Pittman
Assistant Chief, Certificate of Need

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
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December 3, 2020

VIA E-MAIL:

Ms. Celia Inman, Project Analyst
Healthcare Planning & Certificate of Need Section
Raleigh, North Carolina
celia.inman@dhhs.nc.gov

Re: Prior Written Notice (N.C. Gen. Stat. § 131E-184)
Project ID #: G-11118-16
Facility: Solis Mammography Greensboro
Project Description: Develop a diagnostic center by acquiring three
mammography units and one biopsy system, to replace existing
mammography and diagnostic imaging equipment
County: Guilford
FID #: 160013

Dear Ms. Inman:

Several years ago, in June 2016, a Certificate of Need (“CON”) was issued for the development of Solis Mammography Greensboro, a diagnostic center with mammography and biopsy equipment, in Guilford County, North Carolina.

As you know, in accordance with Section 131E-184 of the North Carolina General Statutes, the Department shall exempt from CON review a new institutional health service if it receives prior written notice explaining why the new institutional health service is needed for, *inter alia*, acquisition of an existing “health service facility” and the equipment owned by the facility at the time of acquisition. The CON law at Section 131E-176(9b) defines a “health service facility” to include a diagnostic center. Solis Mammography Greensboro is a currently licensed diagnostic center and thus, an existing health service facility.

This letter provides prior written notice that our client Solis Mammography of Greensboro, LLC (“SMG”) intends to acquire substantially all of the assets utilized in the operation of Solis Mammography Greensboro, the existing diagnostic center, including the facility’s equipment. SMG is a Delaware limited liability company which has been granted authority to transact business in the State of North Carolina.

Pursuant to the contemplated transaction, substantially all of the assets utilized in the operation of Solis Mammography Greensboro will be owned by SMG. The diagnostic center will continue to be operated at its current location.

Ms. Celia Inman, Project Analyst
December 3, 2020
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As the above-referenced transaction is intended to close at the end of this month, we look forward to receipt of correspondence confirming that the acquisition is exempt from CON review. If any further information is necessary, please do not hesitate to be in touch.

Thank you for your attention and assistance in this matter.

Sincerely Yours,

Joy Heath

Joy Heath
Anderson Shackelford

cc: Martha J. Frisone, Chief (via email)
Bethany Burgon, Esq. (via email)

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