



NC DEPARTMENT OF HEALTH AND HUMAN SERVICES

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

January 30, 2020

Robert A. Leandro, Partner
Parker, Poe, Adams & Bernstein, LLP
P.O. Box 389
Raleigh NC 27602-0389

No Review

Record #: 3194
Facility Name: Wakefield Professional Plaza Office
Business Name: Diagnostic Radiology and Imaging, LLC
Business #: 609
Project Description: Develop a diagnostic imaging center in a medical office building located at 11009 Ingleside Place in Raleigh with CT scanner, ultrasound, x-ray and laboratory testing services
County: Wake

Dear Mr. Leandro:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) received your correspondence regarding the above referenced proposal. Based on the CON law in effect on the date of this response to your request, the proposal described in that correspondence 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,

Michael J. McKillip
Project Analyst

Martha J. Frisone
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



Received by Healthcare
Planning & CON Section
JAN 22 2020

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Partner
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Columbia, SC
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December 27, 2019

ELECTRONIC MAIL

Martha Frisone, Chief
Health Planning and Certificate of Need
Section
North Carolina Department
of Health and Human Services
2704 Mail Service Center
Raleigh, North Carolina 27699-2704
Martha.Frisone@dhhs.nc.gov

Re: **Request for No Review Determination**

Dear Ms. Frisone:

tl 609

Our client, Diagnostic Radiology and Imaging, LLC d/b/a Greensboro Imaging ("DRI") is intending to open a medical office located at 11009 Ingleside Place, Raleigh, North Carolina ("Wakefield Professional Plaza, Phase I"). The purpose of this medical office will be primarily to provide diagnostic imaging services. We are seeking confirmation on behalf of our client that DRI is not required to first obtain a CON.

DRI will be acquiring: (1) a refurbished CT scanner, CT chiller system, and injector; (2) a refurbished ultrasound; (3) an X-Ray suite; (4) an I Stat Blood Analysis System; and (5) a Trophon Disinfectant Unit. The total cost to purchase this equipment is less than \$350,000 including delivery and installation.

DRI will be leasing office space, which will include certain upgrades paid for by the owner. However, DRI does plan to incur approximately \$100,000 in planning/architect fees, and physical plant upgrades in order to allow for the above listed equipment to be used in a clinically safe manner. DRI has included these costs in its determination of whether a CON is required.

DRI will also be spending funds to purchase computers, furniture, art, networking supplies and medical equipment that cost less than \$10,000. It has not included these costs in its determination that a CON is not required.

Based on the above, DRI has calculated that it will be spending approximately \$410,000.00 to acquire and make operational the diagnostic equipment set forth above. As such, DRI believes that its office at Wakefield Professional Plaza, Phase I will not constitute a "Diagnostic Center" under N.C. Gen. Stat. § 131E-176(7a) and does not require a CON. Moreover, because no individual piece of equipment that is being purchased has an aggregate

PPAB 5303893v1

December 27, 2019
Page 2

cost in excess of \$750,000.00 DRI is not acquiring "Major Medical Equipment" as defined by N.C. Gen. Stat. § 131E-176(14o).

DRI requests that the CON Section issue a written determination confirming that a CON is not required for this project. I greatly appreciate your attention to this matter. If you have any questions, please feel free to give me a call.

Sincerely,


Robert A. Leandro

RAL:clr

Waller, Martha K

From: Payne, Lindsey H. <lindseypayne@parkerpoe.com>
Sent: Wednesday, January 22, 2020 12:47 PM
To: Waller, Martha K
Cc: Frisone, Martha; Leandro, Robert A.; Reid, Christina L.
Subject: [External] FW: Request for No Review Determination
Attachments: ATT00001.htm; Request for No Review Determination 12-27-19.PDF

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to report.spam@nc.gov

Ms. Waller,

I am forwarding a Request for No Review Determination that our office sent over on December 27. We usually get a pretty quick response so I called to check on the status. I understand it is not in your log to be processed, so I am resending it to your attention.

Thanks so much and have a nice afternoon!

Lindsey

Lindsey Payne

North Carolina State Bar Certified Paralegal



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Office: 919.835.4635 | Fax: 919.834.4564 | [map](#)

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www.parkerpoe.com

From: Reid, Christina L. **On Behalf Of** Leandro, Robert A.
Sent: Friday, December 27, 2019 9:57 AM
To: Martha.Frisone@dhhs.nc.gov
Subject: Request for No Review Determination

Ms. Frisone,

Find the attached document regarding a Request for No Review Determination.
If you have any questions please contact me.

Thank you,

Robb

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