



North Carolina Department of Health and Human Services  
Division of Health Service Regulation  
Certificate of Need Section

2704 Mail Service Center • Raleigh, North Carolina 27699-2704  
<http://www.ncdhhs.gov/dhsr/>

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March 16, 2012

Terrill Johnson Harris  
Smith, Moore, Leatherwood, LLP  
300 N. Greene Street  
Suite 1400  
Greensboro, NC 27401

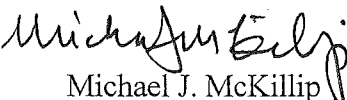
RE: Exempt from Review / Acquisition of Southern Eye Associates Ophthalmic Surgery Center  
by WakeMed / Wake County  
FID #: 943462


Dear Ms. Harris:

In response to your letter of March 8, 2012, the above referenced proposal is exempt from certificate of need review in accordance with N.C.G.S 131E-184(a)(8). Therefore, WakeMed may proceed to acquire the above referenced health service facility without first obtaining a certificate of need. However, you need to contact the Acute and Home Care Licensure and Certification Section of the Division of Health Service Regulation to obtain instructions for changing ownership of the existing facility. Note that pursuant to N.C.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,

  
Michael J. McKillip  
Project Analyst

  
Craig R. Smith, Chief  
Certificate of Need Section

cc: Acute and Home Care Licensure and Certification Section, DHSR





# SMITH MOORE LEATHERWOOD

*Mike*



March 8, 2012

Mr. Craig R. Smith, Chief  
Certificate of Need Section  
Division of Health Service Regulation  
N.C. Department of Health and Human Services  
2704 Mail Service Center  
Raleigh, North Carolina 27699-2704

Re: Notice of Exempt Acquisition by WakeMed of Southern Eye Associates  
Ophthalmic Surgery Center, Wake County

Dear Mr. Smith:

This letter provides prior written notice that WakeMed plans to acquire from Southern Eye Associates, P.A. the existing, licensed ambulatory surgical facility in operation under the name Southern Eye Associates Ophthalmic Surgery Center at 2801 Blue Ridge Road, Suite 200, Raleigh, North Carolina, and all equipment associated with the ambulatory surgical facility.

The acquisition of "an existing health service facility, including equipment owned by the health service facility at the time of acquisition" is exempt from certificate of need review. N.C. Gen. Stat. § 131E-184(a)(8). As you know, "health service facility" is defined to include an "ambulatory surgical facility." N.C. Gen. Stat. § 131E-176(9b).

Please confirm that WakeMed's acquisition of Southern Eye Associates Ophthalmic Surgery Center is exempt from CON review pursuant to N.C. Gen. Stat. § 131E-184(a)(8). We look forward to receiving your confirmation as soon as possible. Please let us know if you have any questions or need additional information.

With kindest regards, I am

Very truly yours,

SMITH MOORE LEATHERWOOD LLP

Terrill Johnson Harris

cc: W. Stan Taylor, WakeMed

*WakeMed Acq Southern Eye Assoc Ex 12*