



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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May 2, 2012

Jeffrey Patton, Attorney-at-Law
Spilman Thomas & Battle, PLLC
110 Oakwood Drive, Suite 500
Winston-Salem, NC 27103

RE: Request for an exemption from review / The Foot Surgery Center of North Carolina d/b/a Piedmont Surgical Center /Acquisition of The Foot Surgery Center of North Carolina d/b/a Piedmont Surgical Center by a new North Carolina limited liability company / Guilford County
FID #: 944499

Dear Mr. Patton:

In response to your letter of December 7, 2011, the above referenced proposal cannot be considered for exemption from certificate of need review in accordance with N.C.G.S 131E-184(a)(8), until a specific entity (or person) is identified as the acquiring company (person).

N.C.G.S 131E-184(a) *"Except as provided in subsection (b), the Department shall exempt from certificate of need review a new institutional health service if it receives prior written notice from the entity proposing the new institutional health service, which notice includes an explanation of why the new institutional health service is required, for any of the following:*

...

(8) To acquire an existing health service facility, including equipment owned by the health service facility at the time of acquisition."

The acquirer of a Certificate of Need must be identified and must initiate the request for exemption from certificate of need review. I left voice mail messages for you on December 21 or 22, 2011 and on February 7, 2012. However, in case you did not receive those messages, or they were not clear, I wanted to follow-up with this letter.

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

Sincerely,

A handwritten signature in cursive script that reads "Lisa Pittman".

Lisa Pittman
Team Leader



Lisa

C-4757-92

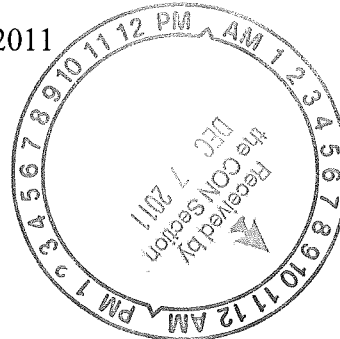


SPILMAN THOMAS & BATTLE, PLLC

ATTORNEYS AT LAW

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December 5, 2011



Via First Class USPS

Mr. Craig Smith, Chief
Certificate of Need Section
Division of Health Service Regulation
North Carolina Department of Human Resources
2704 Mail Service Center
Raleigh, NC 27699-2704

RE: Facility ID # 944499, The Foot Surgery Center of North Carolina, L.L.C a/k/a Piedmont Surgical Center, ("**Piedmont**") Transfer of CON Pursuant to Sale of Limited Liability Company

Dear Mr. Smith:

On behalf of my clients who propose to purchase all of the outstand membership interests of the above referred entity, I respectfully request that the North Carolina Division of Health Service Regulation (the "**Division**") determine whether the sale of the Piedmont membership interests is subject to Certificate of Need review by the Division.

It is my understanding that the legal entity being sold is The Foot Surgery Center Of North Carolina, L.L.C., which is or has done business as Piedmont Surgical Center. Its Facility ID number is 944499. My client is forming a North Carolina limited liability company to purchase the membership interests of Piedmont. Each member of the new North Carolina limited liability company being created to acquire Piedmont is a physician duly licensed to practice medicine in the State of North Carolina.

There will be no changes or additions in the nature of services provided at Piedmont. Also there will be no new capital expenditures. It will continue to operate under the terms of its existing Certificate of Need.

Accordingly, I respectfully request that the Division determine that this membership acquisition is not subject to Certificate of Need review. If you have any questions, or require any additional information, please feel free to contact me. Thank you as always for your assistance in this matter.

Sincerely,

Jeffrey D. Patton

JDP/mcc

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