

**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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November 26, 2012

Terrill Johnson Harris
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300 North Greene Street Suite 1400
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Exempt from Review – Acquisition of Facility

Facility: Hope-A Women’s Cancer Center, P.A.
Acquisition by: Mission Hospital, Inc.
County: Buncombe County
FID #: 040570

Dear Ms. Harris:

In response to your letter of November 6, 2012, the above referenced proposal is exempt from certificate of need review in accordance with N.C.G.S 131E-184(a)(8). Therefore, Mission Hospital, Inc. 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,

Julie Halatek
Project Analyst

Craig R. Smith, Chief
Certificate of Need Section

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





SMITH MOORE LEATHERWOOD

Julie

November 6, 2012



Via E-Mail and U.S. Mail

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

Re: Notice of Exempt Acquisition by Mission Hospital, Inc. of Diagnostic Center and Oncology Treatment Center at 100 Ridgefield Court, Asheville, Buncombe County

Dear Mr. Smith:

This letter provides prior written notice that Mission Hospital, Inc. ("Mission") plans to acquire Hope-A Women's Cancer Center, P.A. ("Hope") and the existing diagnostic center and oncology treatment center, along with all associated equipment, at 100 Ridgefield Court, Asheville, Buncombe County, North Carolina. This proposed acquisition is exempt from certificate of need review pursuant to N.C. Gen. Stat. § 131E-184(a)(8).

On July 13, 2005, Hope was issued a certificate of need authorizing it to acquire a mammography unit, stereotactic breast biopsy unit, bone densitometry unit, and x-ray equipment, resulting in the establishment of a diagnostic center and oncology treatment center. Hope currently operates the diagnostic center and oncology treatment center at its location at 100 Ridgefield Court in Asheville. Mission plans to acquire from Hope the diagnostic center and oncology treatment center and all associated equipment.

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 a "diagnostic center." N.C. Gen. Stat. § 131E-176(9b). Session Law 2005-325 (December 31, 2005) deleted "oncology treatment center" from the definition of "health service facility," but the CON still has the reference to the oncology treatment center and we have referenced it in this letter to make it clear that the existing oncology treatment center will be acquired.

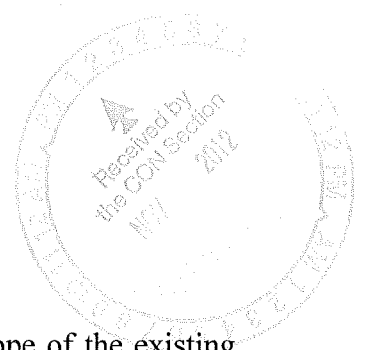
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Mr. Craig R. Smith
November 6, 2012
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Mission requests that you confirm that Mission's acquisition from Hope of the existing diagnostic center and oncology treatment center located at 100 Ridgefield Court, Asheville, Buncombe County, North Carolina, including equipment owned by Hope, is exempt from CON review pursuant to N.C. Gen. Stat. § 131E-184(a)(8). Please let us know if you have any questions or need additional information. We appreciate your prompt consideration as the parties anticipate a closing on December 1, 2012.

With kindest regards, I am

Very truly yours,

SMITH MOORE LEATHERWOOD LLP

Terrill Johnson Harris

cc: Brian Moore, Mission Health System, Inc.
Denise Gunter, Attorney for Hope