



**NC DEPARTMENT OF
HEALTH AND
HUMAN SERVICES**

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

December 4, 2018

Conor Brockett
 EmergeOrtho
 120 William Penn Plaza
 Durham, NC 27704

Exempt from Review – Acquisition of Facility

Record #: 2796
Facility Name: Greensboro Orthopaedic Center, P.A.
Type of Facility: Diagnostic Center
FID #: 090352
Acquisition by: EmergeOrtho
Business #: 2716
County: Guilford

Dear Mr. Brockett:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) determined that based on your representations, the above referenced proposal is exempt from certificate of need (CON) review in accordance with N.C. Gen. Stat. §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 or not 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 N.C. Gen. Stat. §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.”*

In the event that the business listed above does acquire the facility, you should contact the Agency’s Nursing Home 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 or not a certificate of need would be required. If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

Gloria C. Hale
 Team Leader

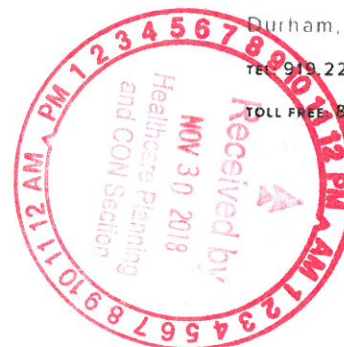
Martha J. Frisone
 Chief, Healthcare Planning and
 Certificate of Need Section

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: 2701 Mail Service Center, Raleigh, NC 27699-2701
 www.ncdhhs.gov/dhsr/ • TEL: 919-855-3750 • FAX: 919-733-2757

November 30, 2018

Via e-mail

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

**RE: Notice and Request for Confirmation of Exempt Transaction: Fixed
Magnetic Resonance Imaging Program in Guilford County**

Dear Ms. Frisone:

Pursuant to N.C. Gen. Stat. § 131E-184(a), this letter is to provide prior written notice to and request confirmation from the Healthcare Planning Certificate of Need Section of a transaction exempt from certificate of need ("CON") review. The transaction involves the transfer of the following approved fixed magnetic resonance imaging ("MRI") program to EmmergeOrtho, P.A.:

Greensboro Orthopaedics, P.A. – Facility ID 090352
Fixed MRI – Project ID G-8347-09

Effective on or about January 1, 2019, Greensboro Orthopaedics intends to enter into an Affiliation Agreement with EmmergeOrtho, whereby Greensboro Orthopaedics will no longer operate in its current form, but will affiliate as a new division of EmmergeOrtho. In this transaction, EmmergeOrtho will obtain all of the assets of Greensboro Orthopaedics, including:

- The approved MRI;
- Physical space; and
- Tangible assets and equipment.



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Upon the effective date of the affiliation, EmmergeOrtho plans to operate the MRI program at the already-approved locations and in compliance with all criteria as outlined in the current CON. EmmergeOrtho will not operate the MRI at any new location, or operate any new or additional MRI equipment not approved for use in the existing CON.

Finally, this transaction does not involve the development or initiation of any new health service facility, nor the introduction of any new medical equipment that would otherwise qualify as a new institutional health service under North Carolina CON statutes and regulations.

Accordingly, this transaction is exempt from CON review under N.C.G.S. § 131E-184(a)(8).

I certainly appreciate your consideration and acceptance of this exemption notice and request. If I may provide additional assistance in the course of your review, please contact me at conor.brockett@emmergeortho.com or (919) 809-2514.

Sincerely,

A handwritten signature in black ink that reads "Conor Brockett".

Conor Brockett
General Counsel

Copy: Celia Inman, Analyst, HPCON Section, DHSR – celia.inman@dhhs.nc.gov
Doug Mathis, CEO, Greensboro Orthopaedics, P.A. – dmathis@gsoortho.com
Jim Carrier, CEO, EmmergeOrtho, P.A. – Triangle – jim.carrier@dhhs.nc.gov
Steve DeBiasi, CEO, EmmergeOrtho, P.A. – Wilmington – steve.debiasi@dhhs.nc.gov