



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

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

VIA EMAIL ONLY

September 24, 2018

Kevin Dineen
kdineen@lasikplus.com

No Review

Record #: 2703
Business Name: LasikPlus
Business #: 2910
Project Description: Develop a Lasik laser eye treatment office in a shopping center
County: Mecklenburg

Dear Mr. Dineen:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) received your letter of September 12, 2018 and email of September 19, 2018 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 your correspondence is not governed by, and therefore, does not currently require a certificate of need. However, please note that 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.

It should be noted that this determination is binding only for the facts represented in your correspondence. Consequently, if changes are made in the project or in the facts provided in your correspondence referenced above, a new determination as to whether a certificate of need is required would need to be made by this office. Changes in a project include, but are not limited to: (1) increases in the capital cost; (2) acquisition of medical equipment not included in the original cost estimate; (3) modifications in the design of the project; (4) change in location; and (5) any increase in the number of square feet to be constructed.

Please contact this office if you have any questions. Also, in all future correspondence you should reference the Facility ID # (FID) if the facility is licensed.

Sincerely,

Julie M. Faenza

Julie M. Faenza
Project Analyst

Martha J. Frisone

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

cc: Melinda Boyette, Administrative Assistant, Healthcare Planning, DHSR

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

Faenza, Julie M

From: Dineen, Kevin <kdineen@lasikplus.com>
Sent: Wednesday, September 19, 2018 2:20 PM
To: Faenza, Julie M
Subject: [External] RE: No review request

CAUTION: External email. Do not click links or open attachments unless verified. Send all suspicious email as an attachment to [Report Spam](#).

Julie,

See my responses to your questions below. Based upon my responses, please confirm whether or not a Certificate of Need is required.

Thanks,
Kevin

From: Faenza, Julie M [mailto:Julie.Faenza@dhhs.nc.gov]
Sent: Wednesday, September 19, 2018 12:02 PM
To: Dineen, Kevin
Subject: No review request

Mr. Dineen,

I received your inquiry about a no review determination for a center you're developing in Charlotte. I see from your website that you do not currently have any centers located in North Carolina. Please tell me a little more about what type of response you're expecting.

Are you developing a physician office building? No, we are not developing a physician office building. We would lease existing space in a high-end strip center / lifestyle center.

Are you seeking approval to locate medical equipment in the state? You need to be aware that if you are proposing to develop a center with a piece of equipment which costs more than \$750,000, you will need a certificate of need. Additionally, if you are proposing to acquire diagnostic medical equipment, and the total cost of the equipment which individually costs \$10,000 or more meets or exceeds a \$500,000 threshold, you also need a certificate of need.

Our LASIK equipment consists of (1) femtosecond laser which creates the corneal flap, and (2) excimer laser which reshapes the cornea. Each piece of equipment is less than \$750,000.

We also have traditional "exam lane" diagnostic equipment (auto-refractors, phoropters and lensometers) which, in the aggregate, do not exceed \$500,000.

If you can provide me with more detail as to what you're asking to do, I can respond more appropriately to your letter. If you have any questions about what I mean by all this, please don't hesitate to email or call.



September 12, 2018

VIA EMAIL

North Carolina Division of Health Service Regulation
Healthcare Planning and Certificate of Need Section
2704 Mail Service Center
Raleigh, NC 27699

RE: Request for "No Review"

Dear Sir or Madam,

The purpose of this letter is to request a "No Review" from the NC Division of Healthcare Regulation.

LCA-Vision Inc. d/b/a LasikPlus ("LasikPlus") is a provider of laser vision correction services. LasikPlus has approximately 60 centers across the United States. LasikPlus contracts with independent, board-certified ophthalmologists who perform laser vision correction procedures in our centers, while LasikPlus provides non-medical staffing, management and administrative services (including, without limitation, equipment, marketing, accounting and patient billing) for the centers.

Since laser vision correction procedures are elective in nature, insurance companies are not billed; rather, patients are financially responsible for the cost of their procedure. Patients typically pay via credit card, HSA/FSA account and/or payment plans which are offered through CareCredit (www.carecredit.com).

LasikPlus is currently exploring markets in which to open a center, and one of the identified markets is Charlotte, NC (Mecklenburg County). For more information on LasikPlus, please visit www.lasikplus.com.

I look forward to your response. Feel free to contact me at (513) 354-5836 or kdineen@lasikplus.com if you have any questions.

Best regards,

Kevin M. Dineen
General Counsel
LCA-Vision Inc. d/b/a LasikPlus

cc: Michael J. Celebrezze