



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/>

Drexdal Pratt, Director

Beverly Eaves Perdue, Governor
Albert A. Delia, Acting Secretary

Craig R. Smith, Section Chief
Phone: (919) 855-3873
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CORRECTED

RESPONSE REQUIRED

November 27, 2012

Sandra Jackson
204 Airport Road
Kinston, NC 28501

Conditional Approval

Project I.D. #: P-8835-12
Facility: Comprehensive Wound Care Center
Project Description: Acquire Hyperbaric Oxygen Chamber
County: Lenoir
FID #: 120333

Dear Mrs. Jackson:

The Certificate of Need (CON) Section, Division of Health Service Regulation, Department of Health and Human Services has conditionally approved the above referenced certificate of need application. This decision was made after a review of the applications submitted for this cycle and after consideration of the Certificate of Need Law, G.S. 131E-175 et. seq. and regulations promulgated thereunder, the State Medical Facilities Plan, and other applicable information. Attached to this letter are the required findings made with respect to your application. The applicant shall not proceed with the construction, offering or development of this project until the certificate of need is issued. Further, the Department shall not issue the certificate of need until all applicable conditions of approval that can be satisfied before issuance of the certificate of need have been met pursuant to G.S. 131E-187(a). The conditions are as follows:

1. CWC HBO, PA d/b/a Comprehensive Wound Care Center shall materially comply with all representations made in the certificate of need application and supplemental responses. In those instances where representations conflict, **CWC HBO, PA d/b/a Comprehensive Wound Care Center shall materially comply with the last-made representation.**



2. CWC HBO, PA d/b/a Comprehensive Wound Care Center shall not acquire, as part of this project, any equipment that is not included in the project's proposed capital expenditure in Section VIII of this application and which would otherwise require a certificate of need.
3. CWC HBO, PA d/b/a Comprehensive Wound Care Center shall acknowledge acceptance of and agree to comply with all conditions stated herein to the Certificate of Need Section prior to issuance of the certificate of need.

Response to the above conditions should be submitted to the CON Section no later than 35 days from the date of the decision. Failure to respond within this time period may result in the CON Section making a determination not to issue a certificate of need for the project referenced above.

The conditional approval is valid only for a capital expenditure of \$910,386. If a cost overrun occurs that exceeds the approved capital expenditure amount, a new certificate of need may be required as determined by G.S. 131E-176(16)(e).

The applicant should be aware that according to the Certificate of Need Law any affected person shall have thirty (30) days after the date of decision to file a petition for a contested case on this approval. Further, if you are aggrieved by the conditions of the decision you may file a petition for a contested case hearing in accordance with G.S. 150B, Article 3, as amended. This petition must be filed with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, North Carolina 27699-6714 within thirty (30) days of the date of this decision. [Note: Effective October 1, 2009, OAH requires a filing fee with submittal of petitions for contested cases. Please direct all questions regarding this fee to OAH Clerk's Office (919-431-3000).]

G.S. 150B-23 provides that a party filing a petition must also serve a copy of the petition on all parties to the petition. Therefore, if you file a petition for a contested case hearing, you must serve a copy of the petition on the Department of Health and Human Services by mailing a copy of your petition to:

Emery Milliken
Department of Health and Human Services,
Office of Legal Affairs,
Adams Building – Room 154
2001 Mail Service Center
Raleigh, North Carolina, 27699-2001

It is requested that a copy of the petition also be served on the Certificate of Need Section.

The certificate of need will not be issued before the completion of this 30 day period ending December 27, 2012. If a contested case request is received within the thirty (30) day period, the certificate will not be issued until the appeal is resolved (10A NCAC 14C .0208).

Sandra Jackson
November 27, 2012
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The timetable for completion of the project is the timetable outlined in the certificate of need application, unless an adjustment has been made by the CON Section because the review period was extended. The timetable for this project is as follows:

Re-Accreditation (Undersea and Hyperbaric Medical Society) _____ September 30, 2014
Upgrade Hyperbaric Oxygen Chamber _____ December 31, 2014

If the decision is appealed, the timetable set forth in this letter will be adjusted accordingly before the Certificate of Need is issued. Please contact us if any clarification of this decision is required.

Please refer to the Project I.D. # and Facility I.D. # (FID) in all correspondence.

Sincerely,

Jane Rhoe-Jones, Project Analyst

Craig R. Smith, Chief
Certificate of Need Section

JRJ:CRS:llp

Attachment

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing notice of **conditional approval** on the following person by placing a copy in an official depository of the United States Postal Service in a postage-paid, first class envelope addressed as follows:

Sandra Jackson
204 Airport Road
Kinston, NC 28501

Project I.D. #P-8835-12

FID #120333

This the 27st day of November, 2012

Jane Rhoe-Jones
Project Analyst