



NC DEPARTMENT OF HEALTH AND HUMAN SERVICES

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

January 8, 2020

Kristy Hubard
2131 S. 17th Street
Wilmington, NC 28401

No Review

Record #: 3150
Facility Name: Atlantic Surgicenter
FID #: 040149
Business Name: New Hanover Regional Medical Center
Business #: 1308
Project Description: Acquisition of assets owned by SENCA Properties, LLC, including the land and building where the ASF is located
County: New Hanover

Dear Ms. Hubard:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) received your correspondence 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 that correspondence is not governed by, and therefore, does not currently require a certificate of need. 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.

You may need to contact the Agency's Acute and Home Care Licensure and Certification Section to determine if they have any requirements for development of the proposed project. In addition, the Agency does not issue revised Certificates of Need when facility ownership changes.

This determination is binding only for the facts represented in your correspondence. If changes are made in the project or in the facts provided in the correspondence referenced above, a new determination as to whether a certificate of need is required would need to be made by this office.

Please do not hesitate to contact this office if you have any questions.

Sincerely,

[Handwritten signature of Tanya M. Saporito]

Tanya M. Saporito
Project Analyst

[Handwritten signature of Martha J. Frisone]

Martha J. Frisone
Chief

cc: Acute and Home Care Licensure and Certification Section, 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: 809 Ruggles Drive, 2704 Mail Service Center, Raleigh, NC 27699-2704
https://info.ncdhhs.gov/dhsr/ • TEL: 919-855-3873

## Waller, Martha K

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**From:** dlegarth@nc.rr.com  
**Sent:** Tuesday, November 26, 2019 5:59 PM  
**To:** Tanya, Saporito; Waller, Martha K  
**Cc:** 'Nancy O'Dacre'  
**Subject:** [External] Letters of CON Exemption  
**Attachments:** NHRMC daVinci Acquisition Letter.pdf; NHRMC SENCA Acquisition Letter.pdf

**CAUTION:** External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [report.spam@nc.gov](mailto:report.spam@nc.gov)

Good Evening,

Attached please find two Letters of CON Exemption. One letters pertains to the acquisition of limited assets of SENCA Properties, LLC and the other letter pertains to the acquisition of a DaVinci surgical robot.

Have a great Thanksgiving!

**David Legarth**



**Mail Address:**  
P.O. Box 1936  
Apex, NC 27502

**FedEx/UPS Address:**  
108 Curely Maple Court  
Apex, NC 27502

**Phone:**  
(919)244-7609



November 26, 2019

Ms. Martha Frisone, Chief  
Healthcare Planning and 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: Request for Exemption to Certificate of Need Review for Acquisition of Assets of SENCA  
Properties, LLC / New Hanover County  
FID#: 040149

Dear Ms. Frisone,

This letter is intended to provide a courtesy notice to the Healthcare Planning and Certificate of Need ("CON") Section that New Hanover Regional Medical Center ("NHRMC") will acquire limited assets of SENCA Properties, LLC. The assets owned by SENCA Properties, LLC that will be acquired by NHRMC includes the building and land (Parcel Alt ID 327005.18.4564.000) at 9104 Market Street, Wilmington, where the NHRMC Atlantic Surgicenter operates.

Under the CON statute, the acquisition of a building and land is not subject to CON review. Accordingly, NHRMC requests that the Section issue a written determination confirming that its proposed acquisition of limited assets of SENCA Properties, LLC is not subject to CON review.

As a result of this acquisition, NHRMC will own the land, building, and operations of NHRMC Atlantic Surgicenter and requests the Section issue a revised Certificate of Need identifying NHRMC as the sole entity that the Certificate of Need is issued to.

If you have any questions or need additional information, please do not hesitate to contact me at (910) 667-7000.

Sincerely,

Kristy Hubbard  
Chief Strategy Officer  
New Hanover Regional Medical Center

Atlantic Surgicenter 040149  
✓ SENCA Properties LLC 11646  
✓ NHRMC 1308  
NR 3150  
NHRMC 943372

**STATE OF NORTH CAROLINA**  
Department of Health and Human Services  
Division of Facility Services

**CERTIFICATE OF NEED**  
for  
**Project Identification Number O-6984-04**  
**FID#040149**

**ISSUED TO: SENCA Properties, LLC (Lessor)**  
**d/b/a Atlantic Surgicenter (Lessee)**  
**1721 New Hanover Medical Park**  
**Wilmington, NC 28403**

Pursuant to N.C. Gen. Stat. § 131E-175, et. seq., the North Carolina Department of Health and Human Services hereby authorizes the person or persons named above (the "certificate holder") to develop the certificate of need project identified above. The certificate holder shall develop the project in a manner consistent with the representations in the project application and with the conditions contained herein and shall make good faith efforts to meet the timetable contained herein. The certificate holder shall not exceed the maximum capital expenditure amount specified herein during the development of this project, except as provided by N.C. Gen. Stat. § 131E-176(16)e. The certificate holder shall not transfer or assign this certificate to any other person except as provided in N.C. Gen. Stat. § 131E-189(c). This certificate is valid only for the scope, physical location, and person(s) described herein. The Department may withdraw this certificate pursuant to N.C. Gen. Stat. § 131E-189 for any of the reasons provided in that law.

**SCOPE: SENCA Properties, LLC (Lessor) and Atlantic Surgicenter (Lessee) shall establish an ambulatory surgical facility with four operating rooms/New Hanover County**

**CONDITIONS: See Reverse Side**


**PHYSICAL LOCATION: Atlantic Surgicenter, LLC**  
**7241 Market Street, Wilmington, NC 28411**

**MAXIMUM CAPITAL EXPENDITURE: \$6,844,980**

**TIMETABLE: See Reverse Side**

**FIRST PROGRESS REPORT DUE: April 15, 2005**

This certificate is effective as of the 14th day of December, 2004.

  
Chief, Certificate of Need Section  
Division of Facility Services

**CONDITIONS:**

1. SENCA Properties, LLC and Atlantic Surgicenter, LLC shall materially comply with all representations made in the certificate of need application.
2. SENCA Properties, LLC and Atlantic Surgicenter, LLC shall develop a new licensed ambulatory surgical facility with no more than four ambulatory surgical operating rooms.
3. SENCA Properties, LLC and Atlantic Surgicenter, LLC 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 the application or that would otherwise require a certificate of need.
4. SENCA Properties, LLC and Atlantic Surgicenter, LLC shall acknowledge acceptance of and agree to comply with all conditions stated herein to the Certificate of Need Section in writing prior to issuance of the certificate of need.

A letter acknowledging acceptance and compliance with all conditions stated in the conditional approval letter was received by the Certificate of Need Section on August 31, 2004.

**TIMETABLE:**

Obtaining funds necessary to undertake project	September 15, 2004
Completion of final drawings and specifications	January 1, 2005
Contract Award	March 1, 2005
25% completion of construction	May 15, 2005
50% completion of construction	August 1, 2005
75% completion of construction	October 15, 2005
Completion of construction	December 1, 2005
Order Equipment	July 1, 2005
Operation of Equipment	January 1, 2006
Licensure of facility	January 1, 2006



All responses should pertain to **October 1, 2016 through September 30, 2017.**

**\*\*List all campuses (as defined in NCGS 131E-176(2c) under the hospital license. Please include offsite emergency departments)**

<b>Name(s) of Campus:</b>	<b>Address:</b>	<b>Services Offered:</b>
New Hanover Regional Medical Center (Main Campus)	2131 S. 17 <sup>th</sup> St., Wilmington, NC 28401	Acute Care Hospital
NHRMC Orthopedic Hospital	5301 Wrightsville Ave., Wilmington, NC 28403	Acute Care Hospital
NHRMC Behavioral Health Hospital	2131 S. 17 <sup>th</sup> St., Wilmington, NC 28401	IP Psychiatric Hospital
NHRMC Rehabilitation Hospital	2131 S. 17 <sup>th</sup> St., Wilmington, NC 28401	IP Rehab Hospital
NHRMC Emergency Department North	151 Scotts Hill Medical Dr., Wilmington, NC 28411	Freestanding, 24- hr. Emergency Dept.
Coastal Family Medicine	2523 Delaney Avenue, Wilmington, NC 28403	Provider Based
Independence Rehabilitation Center	2800 Ashton Dr., Wilmington, NC 28412	Provider Based- OP Rehabilitation
NHRMC Medical Mall	2243 S. 17 <sup>th</sup> St., Wilmington, NC 28401	Provider Based
NHRMC Health & Diagnostic- Brunswick Forest	1333 S. Dickinson Dr., Leland, NC 28451	Provider Based
NHRMC Health & Diagnostic- Military Cutoff	1135 Military Cutoff Rd., Wilmington, NC 28405	Provider Based
NHRMC Health & Diagnostic- North Campus	151 Scotts Hill Medical Dr., Wilmington, NC 28411	Provider Based
Oleander Rehabilitation Center	5220 Oleander Dr., Wilmington, NC 28409	Provider Based- OP Rehabilitation
NHRMC Atlantic Surgicenter	9104 Market St., Wilmington, NC 28411	Provider Based- Ambulatory Surgery Center
NHRMC Heart Center- Outpatient Services	1415 Physicians Dr., Wilmington, NC 28401	Provider Based
NHRMC Physician Specialists	1725 New Hanover Medical Park, Wilmington, NC 28403	Provider Based
NHRMC Physician Specialists- OB/GYN	2150 Shipyard Blvd., Wilmington, NC 28412	Provider Based
NHRMC Radiation Oncology- 16 <sup>th</sup> Street	1988 S. 16 <sup>th</sup> St., Wilmington, NC 28401	Provider Based RadOnc
NHRMC Radiation Oncology- Supply	545 Ocean Highway W., Supply, NC 28462	Provider Based RadOnc
NHRMC Health & Diagnostic- Jacksonville	2000 Brabham Ave., Jacksonville, NC	Provider Based