



NC DEPARTMENT OF HEALTH AND HUMAN SERVICES

ROY COOPER • Governor
KODY H. KINSLEY • Secretary
MARK PAYNE • Director, Division of Health Service Regulation

VIA EMAIL ONLY

December 28, 2023

Robb A. Leandro
robbleandro@parkerpoe.com

No Review

Record #: 4346
Date of Request: December 20, 2023
Business Name: Alliance Healthcare Services, Inc.
Business #: 60
Project Description: Change in ownership structure of the parent company
County: Wake

Dear Robb A. Leandro:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) received your correspondence regarding the project described above. Based on the CON law in effect on the date of this response to your request, the project as described 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.

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,

Crystal Kearney (handwritten signature)

Crystal Kearney
Project Analyst

Micheala Mitchell (handwritten signature)

Micheala Mitchell
Chief

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



Robert A. Leandro
Partner
t: 919.835.4636
f: 919.834.4564
robbleandro@parkerpoe.com

Atlanta, GA
Charleston, SC
Charlotte, NC
Columbia, SC
Greenville, SC
Raleigh, NC
Spartanburg, SC
Washington, DC

December 20, 2023

Via E-mail [micheala.mitchell@dhhs.nc.gov]

Michaela Mitchell
Chief, Healthcare Planning and Certificate of
Need Section

Re: No Review Request

Dear Ms. Mitchell:

On behalf of our client Stonepeak Magnet Holdings LP (“Stonepeak Magnet”), we are writing to request a No Review Letter or, alternatively, an Exemption Letter from the North Carolina Healthcare Planning and Certificate of Need Section (“CON Section” or “Agency”) for a proposed transaction that will involve Stonepeak Magnet’s acquisition of approximately 96% of the equity of Akumin Inc. (“Akumin”).

By way of background, Akumin is the great, great, grandparent of Alliance Healthcare Services, Inc. (“Alliance”). Alliance is the owner (or co-owner) of several fixed and mobile MRI scanners, as well as mobile PET scanners (the “CON Assets”) which are located in North Carolina. See Attachment A for a list of the specific MRI and PET scanners owned or co-owned by Alliance.

This indirect change of ownership will occur in connection with the bankruptcy cases of Akumin, and other related entities, the holder of a 100% indirect equity interest in Alliance. Akumin and other related entities filed voluntary petitions for relief pursuant to chapter 11 of the U.S. Bankruptcy Code on October 22, 2023, in the U.S. Bankruptcy Court for the Southern District of Texas, Houston Division (“Bankruptcy Court”), and such cases are jointly administered under Case No. 23-90827. Pursuant to a plan of reorganization filed with the Bankruptcy Court on October 22, 2023, Stonepeak Magnet, a current approximately 4% equity owner of Akumin, will become the 100% owner of Akumin upon Akumin’s emergence from bankruptcy (the “Transaction”). See Attachment B for organizational charts illustrating corporate ownership before and after the Transaction.

As a result of the Transaction, Stonepeak Magnet will become the great, great, great, grandparent of Alliance, however, the ownership of the CON Assets will remain with Alliance, and Alliance’s legal and corporate identity will not change. Alliance plans to continue to provide all of the services it currently provides using the CON Assets and will not be changing any service locations as a result of this transaction.

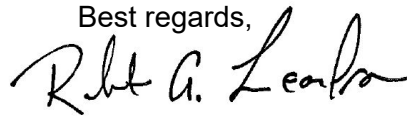
PPAB 10238744v2

Michaela Mitchell
December 20, 2023
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It is our understanding that North Carolina's CON Statute does not regulate the change of ownership of a great, great, grandparent corporation and therefore the Transaction should not require a CON or any other regulatory approval from the CON Section. See N.C. Gen. Stat. § 131E-175 *et seq.* Please confirm in writing that our understanding of the law is correct and that the Transaction does not require approval from the CON Section or is alternatively exempt from the Agency's review.

We greatly appreciate your consideration of this request. If you have any questions please do not hesitate to contact me directly at 919.835.4636 or at robbleandro@parkerpoe.com.

Best regards,

A handwritten signature in black ink that reads "Robb A. Leandro". The signature is written in a cursive style with a large, prominent "R" and "L".

Robb A. Leandro

Enclosures

ATTACHMENT A

List of Certificates of Need

Radiation Machine Name and CON	Fixed, Parked, or Mobile	Owner	Location Address
PETCT 171	Mobile	Alliance HealthCare Services, Inc.	Multiple Locations - Corporate Address: 18201 Von Karman Ave., Suite 600, Irvine, CA 92612
PETCT 222	Mobile	Alliance HealthCare Services, Inc.	Multiple Locations - Corporate Address: 18201 Von Karman Ave., Suite 600, Irvine, CA 92612
PETCT 226	Mobile	Alliance HealthCare Services, Inc.	Multiple Locations - Corporate Address: 18201 Von Karman Ave., Suite 600, Irvine, CA 92612
SIGNA 467	Fixed	Alliance HealthCare Services, Inc.	1520 Sunday Dr., Raleigh, NC, 27607
VOYA 5	Parked	Alliance HealthCare Services, Inc.	Multiple Locations - Corporate Address: 18201 Von Karman Ave., Suite 600, Irvine, CA 92612
SIGNA 461	Mobile	Alliance HealthCare Services, Inc.	Multiple Locations - Corporate Address: 18201 Von Karman Ave., Suite 600, Irvine, CA 92612
SIGNA 451 Legacy	Mobile	Alliance HealthCare Services, Inc.	Multiple Locations - Corporate Address: 18201 Von Karman Ave., Suite 600, Irvine, CA 92612
SIGNA 456	Mobile	Alliance HealthCare Services, Inc. jointly held with Piedmont Healthcare.	Multiple Locations - Corporate Address: 18201 Von Karman Ave., Suite 600, Irvine, CA 92612
SIGNA 294	Parked	Alliance HealthCare Services, Inc.	Multiple Locations - Corporate Address: 18201 Von Karman Ave., Suite 600, Irvine, CA 92612

Radiation Machine Name and CON	Fixed, Parked, or Mobile	Owner	Location Address
SIGNA 273 Legacy	Mobile	Alliance HealthCare Services, Inc.	Multiple Locations - Corporate Address: 18201 Von Karman Ave., Suite 600, Irvine, CA 92612
AERA 25	Mobile	Alliance HealthCare Services, Inc.	Multiple Locations - Corporate Address: 18201 Von Karman Ave., Suite 600, Irvine, CA 92612
SIGNA 89	Mobile	Alliance HealthCare Services, Inc.	Multiple Locations - Corporate Address: 18201 Von Karman Ave., Suite 600, Irvine, CA 92612
SYM 68	Fixed	Alliance HealthCare Services, Inc.	300 Health Park Dr., Garner, NC, 27529
SYM 66	Fixed	Alliance HealthCare Services, Inc.	300 Asheville Ave., Cary, NC 27529
SYM 43 Legacy	Parked	Alliance HealthCare Services, Inc.	3700 NW Cary Parkway, Cary, NC 27513
ESP 61	Mobile	Alliance HealthCare Services, Inc., jointly owned with Vidant.	Multiple Locations - Corporate Address: 18201 Von Karman Ave., Suite 600, Irvine, CA 92612
ESP 36	Fixed	Alliance HealthCare Services, Inc.	150 Parkway Office Court, Cary, NC 27513
ESP 28 Legacy	Mobile	Alliance HealthCare Services, Inc.	Multiple Locations - Corporate Address: 18201 Von Karman Ave., Suite 600, Irvine, CA 92612
ESP 21 Legacy	Fixed	Alliance HealthCare Services, Inc.	3200 Blue Ridge Rd., Raleigh, NC 27607
ESP 60	Mobile	Alliance HealthCare Services, Inc.	Multiple Locations - Corporate Address: 18201 Von Karman Ave., Suite 600, Irvine, CA 92612

Radiation Machine Name and CON	Fixed, Parked, or Mobile	Owner	Location Address
ESP 43	Mobile	Alliance HealthCare Services, Inc.	Multiple Locations - Corporate Address: 18201 Von Karman Ave., Suite 600, Irvine, CA 92612
ALTEA 01	Fixed	Alliance HealthCare Services, Inc.	3100 Duraleigh Rd., Raleigh, NC 27612
ESP 62 Legacy	Mobile	Alliance HealthCare Services, Inc.	Multiple Locations - Corporate Address: 18201 Von Karman Ave., Suite 600, Irvine, CA 92612
AERA 30	Mobile	Alliance HealthCare Services, Inc.	Multiple Locations - Corporate Address: 18201 Von Karman Ave., Suite 600, Irvine, CA 92612
AERA 16	Mobile	Alliance HealthCare Services, Inc.	Multiple Locations - Corporate Address: 18201 Von Karman Ave., Suite 600, Irvine, CA 92612
SIGNA 269	Fixed	Alliance HealthCare Services, Inc. jointly held with Piedmont Healthcare.	700 Sullivan Rd., Statesville, NC 28677
SIGNA 496	Mobile	Alliance HealthCare Services, Inc.	Multiple Locations - Corporate Address: 18201 Von Karman Ave., Suite 600, Irvine, CA 92612
ESP 23	Mobile	Alliance HealthCare Services, Inc.	Multiple Locations - Corporate Address: 18201 Von Karman Ave., Suite 600, Irvine, CA 92612
ESP 47	Mobile	Alliance HealthCare Services, Inc.	Multiple Locations - Corporate Address: 18201 Von Karman Ave., Suite 600, Irvine, CA 92612

ATTACHMENT B



From: [Mitchell, Micheala L](#)
To: [Stancil, Tiffany C](#)
Cc: [Pittman, Lisa](#)
Subject: FW: [External] No Review Letter
Date: Thursday, December 21, 2023 9:13:17 AM
Attachments: [Akumin - NC CON No Review Letter \(DRAFT\).pdf](#)

Good morning Tiffany,

Not sure if Lisa already forwarded this to you. It was sent to her while I was out yesterday. Let me know if she did.

If not, you can assign to Crystal.

Micheala Mitchell, JD
[NC Department of Health and Human Services](#)
[Division of Health Service Regulation](#)
Section Chief, Healthcare Planning and CON Section
809 Ruggles Drive, Edgerton Building
2704 Mail Service Center
Raleigh, NC 27699-2704
Office: 919 855 3879
Micheala.Mitchell@dhhs.nc.gov

Don't wait to vaccinate. Find a COVID-19 vaccine location near you at [MySpot.nc.gov](https://www.myspot.nc.gov).
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From: Leandro, Robert A. <robbleandro@parkerpoe.com>
Sent: Wednesday, December 20, 2023 5:02 PM
To: Mitchell, Micheala L <Micheala.Mitchell@dhhs.nc.gov>
Cc: Blakely Kiefer <bkiefer@wyrick.com>
Subject: [External] No Review Letter

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Micheala,

I hope you are doing well and are ready for the holidays. Please find attached a No Review letter that I am submitting on behalf of my client Stonepeak. Thanks again for all your help and I hope you and your family have a very happy holiday.

Robb

Robert Leandro

Partner

Find our latest health care analysis [here](#)



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Visit our website at
www.parkerpoe.com