



NC DEPARTMENT OF HEALTH AND HUMAN SERVICES

JOSH STEIN • Governor
DEV DUTTA SANGVAI • Secretary
MARK PAYNE • Director, Division of Health Service Regulation

cVIA EMAIL ONLY

December 16, 2025

Robert E. McCarville
rmccarville@medcgroup.com

No Review – Qualified Urban Ambulatory Surgical Facility

Record #: 5019
Date of Request: November 21, 2025
Facility Name: Queen City Eye Surgery-North
Facility Address: 11814 Sam Furr Road
Huntersville NC 28078
Business Name: Queen City Eye Surgery-North, LLC
Business #: 4031
Project Description: Develop a qualified urban ambulatory surgical facility
County: Mecklenburg

Dear Robert E. McCarville:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) received your correspondence regarding the development of a qualified urban ambulatory surgical facility. Pursuant to NCGS §131E-176(21a), a qualified urban ambulatory surgical facility is an ambulatory surgical facility that meets all of the following criteria:

- a. Is licensed by the Department to operate as an ambulatory surgical facility.
b. Has a single specialty or multispecialty ambulatory surgical program.
c. Is located in a county with a population greater than 125,000 according to the 2020 federal decennial census or any subsequent federal decennial census.

Based on the representation in your request and 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. As a reminder, it is unlawful to offer or develop a new institutional health service without first obtaining a certificate of need. The Department reserves the right to impose sanctions, including civil penalties and the revocation of a license, upon any entity that

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF HEALTH SERVICE REGULATION

LOCATION: 1915 Health Services Way, Raleigh, NC 27607
MAILING ADDRESS: 1915 Health Services Way, 2704 Mail Service Center, Raleigh, NC 27699-2704
www.ncdhs.gov/dhsr • TEL: 919-855-3873

offers or develops a new institutional health service without first obtaining a certificate of need.

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

Sincerely,



Chalice L. Moore
Project Analyst



Micheala Mitchell
Chief

cc: Acute and Home Care Licensure and Certification Section, DHSR
Construction Section, DHSR
Healthcare Planning, DHSR



November 21, 2025

VIA EMAIL

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

**Re: Ambulatory Surgical Center (ASC) Certificate of Need (CON) exemption
request for Queen City Eye Surgery-North, LLC**

Dear Ms. Mitchell:

I am writing to you as the owners' representative for Queen City Eye Surgery-North, LLC (SOSID:3032120). We are requesting your formal exemption from CON requirements to develop a 3-OR ASC servicing the ophthalmic surgical needs of patients from Mecklenburg County (county population greater than 125,000) and surrounding areas.

The planned site location for this future ASC will be at: 11814 Sam Furr Road, Huntersville, NC 28078 in Mecklenburg County. We understand and plan for this ASC to meet NC DHHS licensure requirements, commit 4% of total revenue earned annually to charity care, and report this data as required.

If there is additional information required or questions about this planned ASC, please contact me at cell: (417) 861-1454 or email: rmccarville@medcgroup.com. We appreciate your attention to this review and look forward to your response.

Sincerely,

A handwritten signature in black ink that reads "Robert E. McCarville".

Robert E. McCarville, MPA
Owners' Representative for Queen City Eye Surgery-North, LLC

From: [Mitchell, Micheala L](#)
To: [Stancil, Tiffany C](#)
Cc: [Moore, Chalice L](#)
Subject: FW: [External] Queen City Eye Surgery-North (ASC) CON Exemption Request Letter
Date: Friday, November 21, 2025 12:46:49 PM
Attachments: [OC North ASC CON Exemption Request Letter 11.21.25.pdf](#)

Tiffany would you mind logging and assigning this second one from Rob McCarville to Chalice? Thanks, Micheala

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

From: Rob McCarville <rmccarville@medcgroup.com>
Sent: Friday, November 21, 2025 1:38 AM
To: Mitchell, Micheala L <Micheala.Mitchell@dhhs.nc.gov>
Cc: Moore, Chalice L <chalice.moore@dhhs.nc.gov>; Cole McCarville <cmccarville@medcgroup.com>
Subject: [External] Queen City Eye Surgery-North (ASC) CON Exemption Request Letter

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Hello again Ms. Mitchell – please see the attached letter for this second project we are working with, Queen City Eye Surgery-North, LLC. Thank you again for your review. – Rob (cell: 417-861-1454)

Rob McCarville, MPA
Managing Principal

Medical Consulting Group, LLC
2925 E Battlefield Rd, Ste 110
Springfield, MO 65804
417.889.2040 Telephone
417.889.2041 Fax

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From: Rob McCarville

Sent: Friday, November 21, 2025 12:33 AM

To: 'Micheala.Mitchell@dhhs.nc.gov' <Micheala.Mitchell@dhhs.nc.gov>

Cc: Moore, Chalice L <chalice.moore@dhhs.nc.gov>; Cole McCarville <cmccarville@medcgroup.com>

Subject: ENT Center of the Carolinas (ASC) CON Exemption Request Letter

Hello Ms. Mitchell – please see the attached letter. We appreciated the opportunity to review this process with you a few months ago via zoom call that Chalice helped set up. We are working on two different planned ASC projects in Mecklenburg County, so this is the first of two submissions I have. Please let me know if you have any questions or if there is anything else we can provide. Thank you again. – Rob (cell: 417-861-1454)

Rob McCarville, MPA

Managing Principal

Medical Consulting Group, LLC
2925 E Battlefield Rd, Ste 110
Springfield, MO 65804
417.889.2040 Telephone
417.889.2041 Fax

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From: Moore, Chalice L <chalice.moore@dhhs.nc.gov>
Sent: Wednesday, August 6, 2025 2:57 PM
To: Rob McCarville <rmccarville@medcgroup.com>
Subject: Re: [External] Mecklenburg Co future ASC

Thanks Rob. Joining from the department will be the chief, assistant chief and my direct supervisor.

Looking forward to speaking with you!

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From: Rob McCarville <rmccarville@medcgroup.com>
Sent: Wednesday, August 6, 2025 3:28:12 PM
To: Moore, Chalice L <chalice.moore@dhhs.nc.gov>
Cc: Cole McCarville <cmccarville@medcgroup.com>
Subject: RE: [External] Mecklenburg Co future ASC

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Hello Chalice – I just sent you a calendar invite with a Zoom link for 2p est on Friday. This call will just be Cole McCarville and I...no attorneys. Thank you for coordinating! - Rob

Rob McCarville, MPA

Managing Principal

Medical Consulting Group, LLC
2925 E Battlefield Rd, Ste 110
Springfield, MO 65804
417.889.2040 Telephone
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From: Moore, Chalice L <chalice.moore@dhhs.nc.gov>
Sent: Tuesday, August 5, 2025 11:11 AM
To: Rob McCarville <rmccarville@medcgroup.com>
Cc: Cole McCarville <cmccarville@medcgroup.com>
Subject: Re: [External] Mecklenburg Co future ASC

Good Afternoon,

Are you available for a 30-minute meeting ? It looks like we're all available on Thursday at 3, and on Friday at 11 or 11:30 and between 1-3.

Also, who will be joining you on the call from your team as well as if any attorneys will be on the call.

Thanks

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From: Rob McCarville <rmccarville@medcgroup.com>
Sent: Tuesday, August 5, 2025 11:41:42 AM
To: Moore, Chalice L <chalice.moore@dhhs.nc.gov>
Cc: Cole McCarville <cmccarville@medcgroup.com>
Subject: RE: [External] Mecklenburg Co future ASC

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Thank you for the feedback Chalice...

Rob McCarville, MPA

Managing Principal

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From: Moore, Chalice L <chalice.moore@dhhs.nc.gov>

Sent: Tuesday, August 5, 2025 10:41 AM

To: Rob McCarville <rmccarville@medcgroup.com>

Subject: Re: [External] Mecklenburg Co future ASC

Good Morning,

My supervisor escalated these questions to the chief of the department. I'll get back with you as soon as I can.

Thanks

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From: Rob McCarville <rmccarville@medcgroup.com>

Sent: Tuesday, August 5, 2025 9:37:44 AM

To: Sylvester, Tammy <tammy.sylvester@dhhs.nc.gov>; Moore, Chalice L <chalice.moore@dhhs.nc.gov>; Renn, Tahlia <tahlia.renn@dhhs.nc.gov>

Cc: Cole McCarville <cmccarville@medcgroup.com>; Harms, Jeff <jeff.harms@dhhs.nc.gov>

Subject: RE: [External] Mecklenburg Co future ASC

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Thank you, Tammy, for this explanation for the Construction Section. - Rob

Rob McCarville, MPA

Managing Principal

Medical Consulting Group, LLC
2925 E Battlefield Rd, Ste 110
Springfield, MO 65804

417.889.2040 Telephone

417.889.2041 Fax

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From: Sylvester, Tammy <tammy.sylvester@dhhs.nc.gov>

Sent: Saturday, August 2, 2025 3:26 PM

To: Rob McCarville <rmccarville@medcgroup.com>; Moore, Chalice L
<chalice.moore@dhhs.nc.gov>; Renn, Tahlia <tahlia.renn@dhhs.nc.gov>

Cc: Cole McCarville <cmccarville@medcgroup.com>; Harms, Jeff <jeff.harms@dhhs.nc.gov>

Subject: RE: [External] Mecklenburg Co future ASC

Hello Rob:

Since you have to submit this project to the Construction Section, I wanted to give you our perspective to your question. We will not be taking any of the ASC projects without a CON prior to November 21, 2025. After November 21, 2025, we will require a letter from the CON Section stating the project meets the CON requirements under the new law and the project can proceed forward without a CON. Construction Section will not even log the project into our system until after November 21, 2025 and will not proceed until we have an official letter from CON. It is our preference that projects not be submitted to our office until after that date, as we do not have space to “hold” a project waiting on the November 21, 2025 date. If you have any questions about the Construction Section’s process please do not hesitate to give me a call.

Thanks,

Tammy Sylvester

Assistant Section Chief

Division of Health Service Regulation, Construction Section

[NC Department of Health and Human Services](#)

Office: 919-855-3917

Fax: 919-733-6592

Tammy.Sylvester@dhhs.nc.gov

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2705 Mail Service Center
Raleigh, NC 27603

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From: Rob McCarville <rmccarville@medcgroup.com>

Sent: Friday, August 1, 2025 4:21 PM

To: Moore, Chalice L <chalice.moore@dhhs.nc.gov>; Renn, Tahlia <tahlia.renn@dhhs.nc.gov>

Cc: Cole McCarville <rmccarville@medcgroup.com>; Sylvester, Tammy <tammy.sylvester@dhhs.nc.gov>

Subject: RE: [External] Mecklenburg Co future ASC

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Thank you Chalice and I've now included Tahlia Renn (Plan Tech) here as I just left her a message. My company works with surgeons and hospitals around the country in the development of ambulatory surgery centers (ASCs). In the last 5 years, we've assisted Duke Health with the development of an ASC in Durham, and separately we worked with Wilmington Eye with their ASC development. My question revolves around the following: we are working with a few groups of surgeons in Mecklenburg County that are planning to develop a few different ASCs in the county. As we understand, the CON requirement for an ASC in a county with greater than 125K population will 'sunset' on Nov 21st of this year. We have engaged with an architect to start working through the design, and we know that we will need to follow the steps of the Construction Section outlined below in 3.a, b, etc. My specific question is will you allow us to start the plans submittal process prior to November 21, 2025, with the knowledge that a CON will not be required for any of these projects? The construction would be happening well into 2026 for any of these ASC projects. Thank you for any insight/feedback you have on this. -Rob McCarville (cell: 417-861-1454)

2. Obtain a Certificate of Need: [Certificate of Need](#)

a. The applicant submits a certificate of need (CON) application for any new facility

according to the review schedule outlined in the State Medical Facilities Plan. If the applicant is leasing the facility, both the prospective owner/lessor and the lessee of the facility must submit a joint application.

- b. CON advertises a written public comment period and possibly a local public hearing. Written public comments on an application may be submitted during the first 30 days of the review period.
 - c. If there is a public hearing, CON conducts it no more than 20 days from the conclusion of the written comment period, at which time applicants are given an opportunity to respond to public comment on the application.
 - d. A decision to approve or disapprove an application is made by the CON Section within 150 days of the beginning of the review period.
 - e. A certificate of need is issued 35 days after the date of approval if a petition for a contested case hearing is not filed.
 - f. After a certificate of need is issued, the applicant contacts the Construction Section and the Acute and Home Care Licensure and Certification Section about their respective requirements for the development of the project.
3. Obtain construction approval: [Construction Section](#)
- a. The applicant sends one set of floor plans and specifications to the Construction Section.
 - b. The Construction Section reviews the plans and writes the owner with requirements or review comments and instructions. Plans are generally reviewed in three stages: schematic, design development, and final working drawings.
 - c. Owners and designers work closely with local building officials and fire prevention officials as well as the Construction Section to ensure the design is building code and licensure compliant and, if certification for Medicare is desired, certification compliant.
 - d. At least two weeks before construction is complete, the applicant sends a letter to the Construction Section requesting a final construction inspection with project information and local approvals. The facility must be ready with all systems operational and all construction completed by the final construction inspection date. The Construction Section does not do punchlist inspections; they are the responsibility of the designer, contractor, and owner.
 - e. The Construction Section inspects the facility and reviews the required final documentation. This inspection ensures that the building meets construction standards for licensure. The life safety code survey for Medicare/Medicaid certification may also be done at this time if the facility has received approval from the fiscal intermediary. (see step 5.b below)
 - f. If minor deficiencies are found, the applicant submits a plan of correction.

- g. When all items are acceptable, the Construction Section sends a construction approval transmittal form (form 4086) to the Acute and Home Care Licensure and Certification Section.

Rob McCarville, MPA

Managing Principal

Medical Consulting Group, LLC

2925 E Battlefield Rd, Ste 110

Springfield, MO 65804

417.889.2040 Telephone

417.889.2041 Fax

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From: Moore, Chalice L <chalice.moore@dhhs.nc.gov>

Sent: Wednesday, July 23, 2025 7:38 AM

To: Rob McCarville <rmccarville@medcgroup.com>

Subject: Re: [External] Mecklenburg Co future ASC

Good Morning,

As I am still new to the CON department, I will need to have someone on the call. My supervisor is out until next week. I can get with him to schedule a time next week. In the interim, can you please provide me with the questions that you all have so that I can research.

Thanks

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From: Rob McCarville <rmccarville@medcgroup.com>

Sent: Tuesday, July 22, 2025 3:42:22 PM

To: Moore, Chalice L <chalice.moore@dhhs.nc.gov>

Cc: Cole McCarville <cmccarville@medcgroup.com>

Subject: [External] Mecklenburg Co future ASC

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Hello Chalice – we are working with a group of surgeons in Mecklenburg County that are considering plans for a new ASC. Our understanding is that a CON will not be required for a new ASC (in counties greater than 125,000 population) after Nov 21, 2025. I would like to ask you a few other questions related to this if we can set a time this week to visit for 5-10 minutes? Thank you for your feedback on availability - Rob

Rob McCarville, MPA

Managing Principal

Medical Consulting Group, LLC

2925 E Battlefield Rd, Ste 110

Springfield, MO 65804

417.889.2040 Telephone

417.889.2041 Fax

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