



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

JOSH STEIN • Governor

DEV DUTTA SANGVAI • Secretary

MARK PAYNE • Director, Division of Health Service Regulation

VIA EMAIL ONLY

December 10, 2025

Larry Reid III

lreid@summitspine.com

No Review – Qualified Urban Ambulatory Surgical Facility

Record #: 5020
Date of Request: November 24, 2025
Facility Name: Summit Spine and Joint Center
Facility Address: 1295 Oliver St
Fayetteville NC 28304
Business Name: Summit Spine and Joint Center
Business #: 4032
Project Description: Develop a qualified urban ambulatory surgical facility
County: Cumberland

Dear Larry Reid III:

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

Chalice L. Moore (Monitoring Project Analyst)
Project Analyst

Micheala Mitchell

Micheala Mitchell
Chief

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



November 17, 2025

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

Request for No Review- Summit Spine and Joint Center

Dear Ms. Mitchell,

I am writing this letter on behalf of Summit Spine and Joint Center. We are an Interventional Pain Management provider based in Georgia with plans in place for occupying locations within the North Carolina market, starting in Fayetteville. We currently have signed a lease agreement to occupy a suite located at 1295 Oliver St in Fayetteville and have started the process for designing and renovating the suite into a clinical exam and ASC location.

The purpose of this letter is to seek determination by the Healthcare Planning and Certificate of Need Section that a CON is not required for this project. Per written comments from NC DHHS, CON laws exempting qualified urban ambulatory facilities from CON requirements become effective on November 21, 2025. These laws, enacted in SL-2023-7:

- Delineate between a “qualified urban ambulatory surgical facility” and an ambulatory surgical facility.
- Define a qualified urban ambulatory surgical facility as an ambulatory surgical facility that:
 - Is licensed by the department as an ambulatory surgical facility.
 - Has a single specialty or multispecialty program
 - Is located in a county with a population greater than 125,000 according to the 2020 federal census or any subsequent federal decennial census
- State that a qualified urban ambulatory surgical facility is not a health service facility.
- Require a newly licensed qualified urban ambulatory surgical facility to submit an annual report to the Department indicating that self-pay and Medicaid revenue equals at least 4%.

With these points in mind and after some discussions via email and over the phone with NC DHHS members, we believe we fall into this category and shouldn't be required to apply for a CON. That said, SSJC is requesting that the CON Section issue a letter determining its occupancy and renovation of the referenced suite/location is exempt from CON review. If you have any questions or concerns, please feel free to contact me.

Sincerely,
Signed by:

A handwritten signature in black ink that reads "S. Curretta Moon".

FDC74070043A420...
S. Curretta Moon

Chief Expansion Officer

Summit Spine and Joint Center

Ph: 770-962-3642

Fax: 770-962-3643

From: [Mitchell, Micheala L](#)
To: [Mckillip, Mike](#); [Stancil, Tiffany C](#)
Subject: FW: [EXTERNAL] RE: [External] Summit Spine and Joint Center: Ambulatory Surgical Center Question
Date: Monday, November 24, 2025 10:01:09 AM
Attachments: [Complete with DocuSign NCIP-A Determination .pdf](#)

GM Mike and Tiffany:

Mike- attached is a QUASF “no review” request for Cumberland County. Who would you like to assign it to?

Tiffany- Will you log and assign it after Mike responds?

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: Larry Reid <lreid@summitspine.com>
Sent: Monday, November 24, 2025 9:41 AM
To: Mitchell, Micheala L <Micheala.Mitchell@dhhs.nc.gov>
Cc: Curretta Moon <cmoon@summitspine.com>; Rochelle Morgan <rmorgan@summitspine.com>; Yakaboski, Greg <greg.yakaboski@dhhs.nc.gov>; Emanuel, Andrea N <andrea.emanuel@dhhs.nc.gov>; Pittman, Lisa <lisa.pittman@dhhs.nc.gov>; Harms, Jeff <jeff.harms@dhhs.nc.gov>; Brad McCullough <mccullough.bm@architecturalprinciples.com>
Subject: Re: [EXTERNAL] RE: [External] Summit Spine and Joint Center: Ambulatory Surgical Center Question

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Good Morning, Micheala and NC DHHS Team

Thank you again for your assistance with getting acquainted with NC reqs for project review/approvals.

Attached is a determination letter for 1295 Oliver St, Fayetteville, NC. Please review and let us know next steps when possible.

Also, in anticipation of initiating the SD review for this location, we have completed the CPPSF in the attached. We just want to know when it is time for our architect to submit, does he do so by emailing the form and the SDs to "Tahlia.Renn@dhhs.nc.gov" or is there someone else?

Look forward to hearing from you.

Kind Regards,

Larry Reid III, PMP
Construction Project Manager
Summit Spine and Joint Centers
892 Legacy Park Dr, Lawrenceville, GA, 30043
(850)450-1060

From: Mitchell, Micheala L <Micheala.Mitchell@dhhs.nc.gov>

Sent: Tuesday, August 19, 2025 2:40 PM

To: Larry Reid <lreid@summitspine.com>; Yakaboski, Greg <greg.yakaboski@dhhs.nc.gov>; Harms, Jeff <jeff.harms@dhhs.nc.gov>; Emanuel, Andrea N <andrea.emmanuel@dhhs.nc.gov>; Pittman, Lisa <lisa.pittman@dhhs.nc.gov>

Cc: Curretta Moon <cmoon@summitspine.com>; Rochelle Morgan <rmorgan@summitspine.com>

Subject: [EXTERNAL] RE: [External] Summit Spine and Joint Center: Ambulatory Surgical Center Question

Caution: This email originated from outside of the organization. Do not click or open attachments unless you recognize the sender and know the content is safe.

Hello Mr. Reid,

Thanks for reaching out to the Construction and Healthcare Planning and Certificate of Need Sections.

I will respond to your questions regarding certificate of need (CON) and will defer to Jeff Harms, Construction Chief, to respond to your questions from a construction perspective. To

clarify, CON laws exempting qualified urban ambulatory facilities from CON requirements become **effective on November 21, 2025**. These laws, enacted in [SL-2023-7](#):

1. Delineate between a “qualified urban ambulatory surgical facility” and an ambulatory surgical facility.
2. Define a qualified urban ambulatory surgical facility as an ambulatory surgical facility that :
 - Is licensed by the department as an ambulatory surgical facility.
 - Has a single specialty or multispecialty program
 - Is located in a county with a population greater than 125,000 according to the 2020 federal census or any subsequent federal decennial census
3. State that a qualified urban ambulatory surgical facility is not a health service facility.
4. Require a newly licensed qualified urban ambulatory surgical facility to submit an annual report to the Department indicating that self-pay and Medicaid revenue equals at least 4%.

In accordance with N.C. G.S. § 131E-178 (c), **providers cannot commence construction of a qualified urban ambulatory surgical facility in advance of the effective date of the law.**

Responses to CON inquiries are in **bold** below. Deferences to Jeff are in **red**.

- IF CONs are no longer needed, then what will NCDHHS need from us in order for approvals to be given for the construction of our ASCs/ORs? **The Construction and Acute Care Licensure and Certification Sections have historically required a provider to submit an official determination letter from the Healthcare Planning and CON Section that a CON is not required for a project prior to commencing their respective processes. However, I defer to Jeff on the final response to this question.**
 - If any, what regulatory requirement changes are we now to be in compliance with in order to be approved for construction in certain cities within the state? **I defer to Jeff on the response to this question.**
 - Will this be posted on your website? If so, when? **I defer to Jeff on the response to this question.**
 - If a new application process will be needed ILO the CON process, who would be the people we need to submit the application or whatever other documentation to? I was previously told it was "Martha Waller" and "Tiffany Stanzel".
 - What will need to be provided for review? **You may email a determination request to me at micheala.mitchell@dhhs.nc.gov. Alternatively, you may send your request to our administrative assistant, Tiffany Stancil at Tiffany.Stancil@dhhs.nc.gov. It takes approximately 10-15 calendar days to review and respond to these requests. We will not review any requests prior to the effective date of the new law which is November 21, 2025.**
- When looking at your website we see the latest SMFP Handbook is a PROPOSED version for 2026.

- When will the official 2026 SMFP be posted? EoY? **The Governor must approve the 2026 State Medical Facilities Plan (SMFP) no later than December 31, 2025. Our staff posts the SMFP on the same day that it is approved unless we receive notice of his approval after business hours. You may want to start looking at the website in mid-December in the event that we are able to post it early.**
- Will it include updated info for OR approvals are given in NC as well? **The 2026 SMFP will include updated need determinations for operating rooms in North Carolina.**

Best,

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: Larry Reid <lreid@summitspine.com>
Sent: Tuesday, August 19, 2025 1:26 PM
To: Yakaboski, Greg <greg.yakaboski@dhhs.nc.gov>; Mitchell, Micheala L <Micheala.Mitchell@dhhs.nc.gov>; Harms, Jeff <jeff.harms@dhhs.nc.gov>; Emanuel, Andrea N <andrea.emanuel@dhhs.nc.gov>; Pittman, Lisa <lisa.pittman@dhhs.nc.gov>
Cc: Curretta Moon <cmoon@summitspine.com>; Rochelle Morgan <rmorgan@summitspine.com>
Subject: [External] Summit Spine and Joint Center: Ambulatory Surgical Center Question

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Good Afternoon, North Carolina DHHS Team

I just left a voicemail, but I'm the Construction Project Manager for Summit Spine and Joint Center, a Pain and Wellness clinic based in GA providing services for chronic pain in the neck, back and joints. Some of our locations are Ambulatory Surgical Centers as well as clinics.

We have been making plans for expanding our footprint into NC and were previously directed to follow the guidelines seen on the NCDHHS website. One of those steps we were told to follow prior to construction was to obtain a Certificate of Need (CON) for our clinics/ASC; however our leadership was told recently that CON's are a thing of the past or will be soon in NC.

My questions are as follows:

- IF CONs are no longer needed, then what will NCDHHS need from us in order for approvals to be given for the construction of our ASCs/ORs?
 - If any, what regulatory requirement changes are we now to be in compliance with in order to be approved for construction in certain cities within the state?
 - Will this be posted on your website? If so, when?
 - If a new application process will be needed ILO the CON process, who would be the people we need to submit the application or whatever other documentation to? I was previously told it was "Martha Waller" and "Tiffany Stanzel".
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 - Will it include updated info for OR approvals are given in NC as well?

Kind Regards,

Larry Reid III, PMP
Construction Project Manager
Summit Spine and Joint Centers
892 Legacy Park Dr, Lawrenceville, GA, 30043
(850)450-1060

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