



Department of Health
and Human Services

Maine People Living
Safe, Healthy and Productive Lives

Paul R. LePage, Governor

Mary C. Mayhew, Commissioner

Department of Health and Human Services
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May 26, 2015

Michael A. Duddy, Esq.
Kelly, Remmel & Zimmerman
55 Exchange Street
P.O. Box 597
Portland, ME 04112-0597

RE: Letter of Non-Applicability: LOI- Portland Endoscopy Center/ Re-location of Exciting ASC Procedure Rooms

Dear Mr. Duddy:

This correspondence responds to yours dated April 21, 2015 in which Portland Endoscopy Center proposes to relocate its Ambulatory Surgical Center from 1200 Congress Street, Portland to 161 Marginal Way also located in Portland. The capital cost for this project is estimated to be \$3,233,395 of which \$1,720,747 is related to the floor where the endoscopy center will be located although other parts of the physicians practice will reside on that floor.

Based on the information you provided, the Department of Health and Human Services has determined that the proposal as written is not subject to review. The applicable reason(s) this is not a covered project are indicated below:

- This project is not a transfer of ownership or acquisition of control of a health care facility.
- This project is not an acquisition of major medical equipment where the expenditure exceeds \$3,458,163.
- This project is not a new health service where neither:
 - Capital expenditures do not exceed \$3,242,028 nor,
 - Third year annual expenditures do not exceed \$1,080,676.
- This project is not a new health care facility where:**
 - Capital expenditures do exceed \$5,000,000 for a nursing facility or
 - Capital expenditures do exceed \$3,000,000 for other covered facilities.**
- The total capital costs associated with the project does not exceed:
 - \$5,403,379 for nursing facilities.
 - \$10,806,759 for hospitals or other covered facilities.
- The project is not an increase in a licensed bed category or in the case of hospitals greater than a 10% increase.

At any time, that you find that any applicable threshold for this project is going to exceed thereby requiring a review; you will need to apply for a subsequent review of the proposed project.

Sincerely,

Larry Carbonneau, CPA
Senior Health Care Financial Analyst

cc: File