

CHRISTENBURY SURGERY CENTER, Petitioner v. NORTH CAROLINA
DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF FACILITY
SERVICES, Respondent

No. 305PA00

Filed 6 April 2001

No headnotes.

On discretionary review pursuant to N.C.G.S. § 7A-31 of a unanimous decision of the Court of Appeals, 138 N.C. App. 309, 531 S.E.2d 219 (2000), affirming a decision entered by Bullock, J., on 16 April 1999 in Superior Court, Wake County. Heard in the Supreme Court 15 March 2001.

Parker, Poe, Adams & Bernstein, L.L.P., by Renee J. Montgomery and Amy Flanary-Smith, for petitioner-appellee.

Roy A. Cooper, Attorney General, by James A. Wellons, Special Deputy Attorney General, for respondent-appellant.

Brooks, Pierce, McLendon, Humphrey & Leonard, L.L.P., by Jim W. Phillips, Jr., and Forrest W. Campbell, Jr.; and Maupin, Taylor & Ellis, P.A., by Charles B. Neely, Jr., on behalf of the North Carolina Hospital Association, the North Carolina Association of County Commissioners, and Mission-St. Joseph's Health System, Inc., amici curiae.

PER CURIAM.

DISCRETIONARY REVIEW IMPROVIDENTLY ALLOWED.