



NC DEPARTMENT OF  
**HEALTH AND  
HUMAN SERVICES**

ROY COOPER • Governor

MANDY COHEN, MD, MPH • Secretary

MARK PAYNE • Director, Division of Health Service Regulation

**CORRECTED**  
**RESPONSE REQUIRED**

August 15, 2019

Elizabeth Kirkman  
2709 Water Ridge Parkway  
Suite 200  
Charlotte, NC 28217

**Conditional Approval**

Project ID #: F-11696-19  
Facility: Atrium Health Mercy  
Project Description: Change of scope and cost overrun for Project I.D. #F-11268-16 (renovate existing space related to surgical services and relocate one operating room from Carolinas Medical Center) which involves consolidating surgical services into one location as well as renovating acute care bed rooms and non-clinical areas  
County: Mecklenburg  
FID #: 923352

Approved Capital Expenditure: \$98,960,584  
Conditions of Approval: See Attachment A  
Approved Timetable: See Attachment B  
Last Date to Appeal: September 9, 2019  
Required State Agency Findings: Enclosed

Dear Ms. Kirkman:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) has conditionally approved the above referenced certificate of need application. This decision was made after review of the application or applications if the review was competitive, consideration of the Certificate of Need Law and regulations promulgated thereunder, the State Medical Facilities Plan, written comments if any, responses to comments if any, and other publicly applicable information.

The conditional approval is valid only for the approved capital expenditure shown above. If the capital cost will exceed the approved capital expenditure amount by more than 115%, the applicant must first obtain a new certificate of need.

**Response to the conditions in Attachment A should be submitted to the Agency no later than 35 days from the date of the decision. Failure to respond within this time period may result in the Agency making a determination not to issue a certificate of need for the project referenced above.**

The timetable for completion of the project is the timetable outlined in the certificate of need application, unless an adjustment has been made by the Agency because the review period was extended. The approved timetable for this project is found in Attachment B.

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: 2704 Mail Service Center, Raleigh, NC 27699-2704  
<https://info.ncdhhs.gov/dhsr/> • TEL: 919-855-3873

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

**Note: The applicant shall not begin developing this project until after the certificate of need has been issued and the certificate of need will not be issued until the applicant has documented that all conditions that must be met prior to issuance of the certificate of need have been met. Furthermore, if the project requires that plans be submitted to the Construction Section, those plans will not be reviewed or approved until after the certificate of need has been issued.**

The Certificate of Need law provides that any affected person has thirty (30) days after the date of the decision to file a petition for a contested case on this approval. Further, if you are aggrieved by any of the conditions you may file a petition for a contested case hearing in accordance with N.C. Gen. Stat. §150B, Article 3. This petition must be filed with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, North Carolina 27699-6714 within thirty (30) days of the date of this decision. Effective October 1, 2009, OAH requires a filing fee with submittal of petitions for contested cases. Please direct all questions regarding this fee to the OAH Clerk's Office (919-431-3000).

N.C. Gen. Stat. §150B-23 provides that a party filing a petition must also serve a copy of the petition on all parties to the petition. Therefore, if you file a petition for a contested case hearing, you must serve a copy of the petition on the Department of Health and Human Services by mailing a copy of your petition to:

Lisa G. Corbett  
Department of Health and Human Services,  
Office of Legal Affairs,  
Adams Building – Room 154  
2001 Mail Service Center  
Raleigh, North Carolina, 27699-2001

It is requested that a copy of the petition also be served on the Agency.

The certificate of need will not be issued before the completion of thirty day appeal period which ends on the date shown above. If a contested case petition is filed with OAH within the thirty day appeal period, the certificate will not be issued until the appeal is resolved.

If the decision is appealed, the timetable set forth in this letter will be adjusted accordingly before the certificate of need is issued. Please contact this office if any clarification of this decision is required.

Please refer to the Project ID # and Facility ID # (FID) in all correspondence.

Sincerely,



Julie M. Faenza  
Project Analyst



Gloria C. Hale  
Team Leader

Enclosures:

Attachment A: Conditions of Approval  
Attachment B: Approved Timetable  
Required State Agency Findings

cc: Acute & Home Care Licensure & Certification Section, DHSR  
Construction, DHSR

**Attachment A**  
**Conditions of Approval**

- 1. The Charlotte-Mecklenburg Hospital Authority shall materially comply with the representations in this application, the representations made in Project I.D. #F-11268-16, and in any supplemental responses. Where representations conflict, The Charlotte-Mecklenburg Hospital Authority shall materially comply with the last made representation.**
- 2. The Charlotte-Mecklenburg Hospital Authority shall relocate no more than one operating room from Carolinas Medical Center to Atrium Health Mercy for a total of no more than 16 licensed shared operating rooms at Atrium Health Mercy.**
- 3. Upon completion of this project, Project I.D. #F-11106-15, and Project I.D. #F-11620-18, Carolinas Medical Center shall have a total of no more than 46 licensed operating rooms, including 4 open heart surgery, 4 dedicated C-Section, 1 dedicated inpatient surgery, 10 dedicated ambulatory surgery, and 27 shared operating rooms.**
- 4. The Charlotte-Mecklenburg Hospital Authority shall not acquire as part of this project any equipment that is not included in the project's proposed capital expenditures in Sections F and Q of the application and that would otherwise require a certificate of need.**
- 5. The Charlotte-Mecklenburg Hospital Authority shall develop and implement an Energy Efficiency and Sustainability Plan for the project that conforms to or exceeds energy efficiency and water conservation standards incorporated in the latest editions of the North Carolina State Building Codes.**
- 6. No later than three months after the last day of each of the first three full years of operation following initiation of the services authorized by this certificate of need, The Charlotte-Mecklenburg Hospital Authority shall submit, on the form provided by the Healthcare Planning and Certificate of Need Section, an annual report containing the:**
  - a. Payor mix for the services authorized in this certificate of need.**
  - b. Utilization of the services authorized in this certificate of need.**
  - c. Revenues and operating costs for the services authorized in this certificate of need.**
  - d. Average gross revenue per unit of service.**
  - e. Average net revenue per unit of service.**
  - f. Average operating cost per unit of service.**
- 7. The Charlotte-Mecklenburg Hospital Authority shall acknowledge acceptance of and agree to comply with all conditions stated herein to the Agency in writing prior to issuance of the certificate of need.**



**Attachment B**  
**Approved Timetable**

1. Drawings Completed \_\_\_\_\_ November 25, 2019
2. Construction / Renovation Contract(s) Executed \_\_\_\_\_ January 3, 2020
3. 25% of Construction / Renovation Completed  
(25% of the cost is in place) \_\_\_\_\_ June 4, 2020
4. 50% of Construction / Renovation Completed \_\_\_\_\_ January 6, 2021
5. 75% of Construction / Renovation Completed \_\_\_\_\_ June 30, 2021
6. Construction / Renovation Completed \_\_\_\_\_ November 30, 2021
7. Equipment Ordered \_\_\_\_\_ December 4, 2020
8. Equipment Installed \_\_\_\_\_ December 7, 2021
9. Equipment Operational \_\_\_\_\_ December 14, 2021
10. Building / Space Occupied \_\_\_\_\_ January 1, 2022
11. Services Offered (required) \_\_\_\_\_ January 1, 2022
12. First Annual Report Due \_\_\_\_\_ March 31, 2023

