



North Carolina Department of Health and Human Services
Division of Health Service Regulation
Certificate of Need Section

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<http://www.ncdhhs.gov/dhsr/>

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June 27, 2012

Catharine W. Cummer, Regulatory Counsel, Strategic Planning
Duke University Health System
3100 Tower Blvd, Box 3229
Durham NC 27707

RE: Exempt from Review / Duke University Health System / Acquisition of network security software for protected health information / Durham County


Dear Ms. Cummer:


In response to your correspondence of June 14, 2012, the above referenced proposal is exempt from certificate of need review in accordance with N.C.G.S 131E-184(a)(3). Therefore, you may proceed to offer, develop or establish the above referenced project without a certificate of need.

It should be noted that this determination is binding only for the facts represented by you. Consequently, if changes are made in the project or in the facts provided in your correspondence referenced above, a new determination as to whether a certificate of need is required would need to be made by the Certificate of Need Section. Changes in a project include, but are not limited to: (1) increases in the capital cost; (2) acquisition of medical equipment not included in the original cost estimate; (3) modifications in the design of the project; (4) change in location; and (5) any increase in the number of square feet to be constructed.

If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

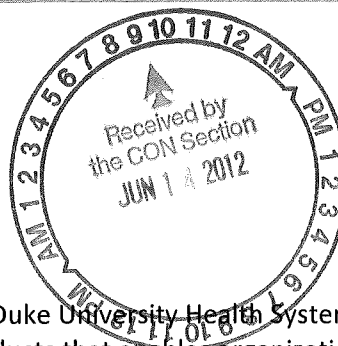

Michael J. McKillip
Project Analyst


Craig R. Smith, Chief
Certificate of Need Section



Mckillip, Mike

From: Catharine Cumber [catharine.cummer@duke.edu]
Sent: Thursday, June 14, 2012 9:45 AM
To: Mckillip, Mike
Subject: DUHS -- IT acquisition



Dear Mike,

I am writing to notify you of a proposed capital expenditure by Duke University Health System of approximately \$1.7 million to purchase a suite of Symantec products that enables organizations to discover protected health information exposed on file servers, databases, content and email repositories, web servers, laptops and desktops, and other data repositories. It also proactively monitors and protects PHI usage across the network, storage media and endpoints. This equipment will help DUHS in complying with its HIPAA, HITECH, and other privacy obligations.

It is our understanding that, given its cost, this project is not a new institutional health service which requires a certificate of need, and that, even if the cost exceeded \$2 million, the project would still be exempt from review as necessary "to provide data processing equipment." GS 131E-184(3). We would appreciate it if you could confirm our understanding that this project does not require a certificate of need. If you need further information, please let me know.

Thank you very much for your attention to this request.

Catharine

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